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WEST BENGAL SECRETARIA

THE

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BEING

A DIGEST

OF THE

Law of the Presidency of Fort William;

CONTAINING

ED REGULATIONS AND ACTS, INCLUSIVE OF THE INDIAN PENAL CODE AND THE
L PROCEDURE AND ALL SPECIAL AND LOCAL LAWS, CONSTRUCTIONS, CIRCULARS
S OF THE SUDDER COURTS, IN CALCUTTA AND AGRA CORRECTED UP TO 1863.

IN THREE PARTS

PART II.

COMPILED BY

BOO PEAREE MOHUN BANERJEE,

DEPUTY MAGISTRATE AND DEPUTY COLLECTOR, N. W. P.

Calcutta.

PRINTED AT THE CALCUTTA UNION PRESS.

1863.

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CHAPTER VIII.—(*Continued.*)

	Page.
Cattle Trespass,	604
Contract	609
Copy-right,	611
Crimping and Emigration,	616
Dacoits,	618
Foreigners,	619
Ghaut Manjees,	623
Government Seal	,,
nmigrants creating disturbances in their parent countries,	623
digo Cultivation,	625
ttery and Gambling,	626
rriages,	,,
ary Dress, or Badges. Persons wearing,	638
Opium law,	639
Late king of,	643
Currency,	644
fice laws,	648
Presses,	658
privies and conservancy of Towns,	659
aw.	664
by Administration of Poison,	667
ws, in the Lower Provinces,	669
stoms laws in the N. W. P. and Oude,	676
altpetre. Manufacture of,	679
	689
ges,	690
	695
s and Offences committed during the disturbances of 1857 and 1858,	724
	736
	737
	739
	741

CHAPTER IX.

subjects and Justices of the Peace,	742

CHAPTER X.

COVENANTED CIVIL SERVANTS.

	Page.
dates for the Indian Civil Service,	766
anted Civil Servants in the vernacular languages of India,	772
ant and Deputy Magistrates and Collectors,	776
ants, service rules, and rules for leave of absence and allowances,	783
f absence,	784
cal Certificate in India, in Europe or elsewhere,	786
in Europe or elsewhere,	790
ffairs in India, Europe or elsewhere,	791
resignation of service,	793
	796
	797
nces,	798
s,	800
,	,,

CHAPTER X.—(*Continued.*)

SECTIONS.

Rules for deputation allowances, ...
Rules for limiting the period of service, ...
Rules for the grant of leave of absence to law officers, ...
Of Convenanted Officers. Enquiry into their official conduct and miscellaneous

CHAPTER XI.*

OF OFFENCES AND THEIR PUNISHMENTS.

Preliminary observations, ...
Abduction,... .. ..
Abetment, ...
Abkaree laws.—*Breach of,* .. ... — ...
Absconding, ...
Adultery,... .. ..
Affray, ...
Arms laws.—*Breach of,* .. ..
Arson, ...
Assault, ...
Attempt, ...
Boats, ...
Breach of trust. Criminal, ...
Breaking open any closed receptacle dishonestly, ...
Canoongoe, ...
Cattle trespass, ...
Cheating, ...
Choukeedary law—*Breach of,* .. ...
Coin, offences relating to, ...
Concealment of birth, ...
Conspiracy, ... —
Contempt of the lawful authority of public servants,
Contract, Criminal—*Breach of,* ..
Criminal Force,... ... .
Criminal trespass, ...
Culpable Homicide. .. ...
Customs laws,—*Breach of,* ...
Dacoity, ...
Defamation, ...
Desertion, ...
Embankments, ...
Exposure of infants, ...
Extortion, ...
False evidence, ...
Forgery, ...
Fraudulent deeds and dispositions of property,
Government Stamps ... .
House breaking, ...
Ditto by night, ...
Hurt, ...
Income Tax law.—*Breach of,* ...
Insult, ...
Intimidation, Criminal, ..
Intoxication, ...
Joint Stok Companies, ..

* This chapter is to be read together with chapter VIII.

CHAPTER XI.—(*Continued.*)

	Page.
Kidnapping,	898
Labor,	899
Marriage Offences.—*Relating to,*	"
Minor,	900
Misappropriation of property, Criminal,	"
Miscarriage,	901
Mischief,	903
Murder,	905
Mutiny, and offences relating to the Army and Navy,	916
Nuisance or offences affecting the public health, safety, convenience, decency and morals,	917
Offences against Public Justice,	920
Opium laws.—*Breach of,*	926
Post Office laws.—*Breach of,*	928
Printing Presses.—*Breach of law relating to,*	932
Property mark,	933
Public servants, offences by or relating to,	935
Railway laws.—*Breach of,*	940
Rape,	945
Receiving stolen or plundered property,	947
Religion.—*Offences relating to,*	948
Riot,	949
Robberry,	950
Salts laws.—*Breach of,*	951
Slaves	955
Stage carriage.—*Breach of, law relating to,*	"
Stamp laws.—*Breach of,*	956
State Offences against the,	958
Suicide	959
Telegraph.—*Breach of, law relating to,*	960
Theft,	961
Thug,	971
Trade mark,	971
Unlawful assembly,	971
Unnatural offences,	973
Weights and measures.—*Offences relating to,*	974
Wrongful restraint and wrongful confinement,	"

ADENDA.

New Uncovenanted Absentee and Pension Rules,	977

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PART II.

CHAPTER III.

OF THE POLICE,

SECTION 1.

DEFINITION OF TERMS,

AND

Enforcement of the Police Act.

1501. THE following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or contest repugnant to such construction, that is to say :— Interpretation of terms.

The words "Magistrate of the District" shall mean the Chief Officer charged with the Executive Administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such Executive Administration is styled. Magistrate of the District.

The word "Magistrate" shall include all persons within the General Police District, exercising all or any of the powers of a Magistrate. Magistrate.

The word "Police" shall include all persons who shall be enrolled under this Act. Police.

The words "General Police District" shall embrace any Presidency, Province, or Place, or any part of any Presidency, Province, or place in which this Act shall be ordered to take effect. "General Police District."

The word "Property" shall include any moveable property, money, or valuable security. "Property."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. "Number."

Words importing the masculine gender shall include females. "Gender."

The word "Person" shall include a Company or Corporation. "Person."

The word "Month" shall mean a calendar month. "Month."

The word "Cattle" shall, besides horned cattle include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.—*Act V.* 1861, *sec.* 1. "Cattle."

1502. This Act shall not take effect in any Presidency, Province, or Place, unless the same shall be extended to such presidency, province or place, by the Governor General of India in Council by an order to be published in the *Government Gazette*. When the Act shall have been so extended it shall be carried into effect in such Presidency, Province, or Place as the Local Government by an order to be published in the Official Gazette shall direct.—*Ibid, sec.* 46. Scope of Act.

1503. With reference to the Notification of the Government of India in the Home Department No. 964, dated 14th Instant, extending Act No. V. of 1861, to the provinces and districts within the Lieutenant Governor-ship of these Provinces, the Hon'ble the Lieut. Governor in conformity with Section Extension of Act V. of 1861 to the North Western Provinces.

XVII. of the said Act is pleased to direct that its Provisions shall be carried into effects in the following Divisions and Districts in these Provinces.

DIVISION.	DISTRICT.
MEERUT.	Meerut. Dehradoon. Seharunpore. Mozuffurnagur. Allyghur. Boolundshuhur.
ROHILKHUND ..	Bareilly. Bijnour. Budaon. Moradabad. Shahjehanpore.
AGRA.....	Agra. Etawah. Mynpoory. Furruckabad. Muttra. Etah.
ALLAHABAD. ..	Allahabad. Cawnpore. Banda. Futtehpore.
BENARES..... ..	Benares. Mirzapore. Ghazeepore. Azimgurh. Jounpore.

GORUCKPORE,

Government Order N. W. P. No. 537 A, 20th May 1861.

Extension of Act V. of 1861 to Ajmeer & Jhansie.

1504. With reference to the Notification of the Government of India No. 964, dated the 14th May, the Hon'ble the Lieutenant Governor, in conformity with Section 46 of Act 5 of 1861, is pleased to direct that the provisions of Act 5 of 1861 shall be carried into effect in the following Division and Districts in these Provinces from the 1st January 1862.

The District of Ajmeer and Mhairwarah.

The Division of Jhansie, comprising the Districts of Humeerpore, Jaloun, Jhansie, and Lullutpore.—*Government Order N. W. P. No.* 1242 A, 6*th December* 1861.

Extension of Act V of 1861 to Bengal.

1505. With reference to the Notification of the Government of India No. 1871, dated 11th Instant, the Lieutenant Governor has been pleased to direct that the provisions of Act V. of 1861, shall be carried into effect in the following Districts :—

PATNA DIVISION.

Patna.
Behar.
Sarun.
Chumparun.
Tirhoot.

BHAGULPORE DIVISION.

Bhagulpore.
Monghyr.
Purneah.

RAJSHY DIVISION.

Pubna.
Rungpore.
Bogra.
Dinagepore.
Maldah.
Moorshedabad.

BURDWAN DIVISION.

Burdwan.
Hooghly.
Howra.
Bancoora.
Beerbhoom.
Midnapore.

Government Order L. P. 15*th April*, 1862.

Enforcement of Act 5, 1861 in the Saugor & Jubbulpore Divisions.

1506. Act 5 of 1861 (for the regulation of Police,) having been extended to the Districts, comprised in the Saugor and Jubbulpore Divisions, then within the Jurisdiction of the Lieutenant Governor-ship of the N. W. P., by Notification No. 964, dated the 14th May 1861, the Governor General in Council is pleased, under Section 46, to direct that the Provisions of the Act be carried into effect in the Districts, comprised in the above-mentioned divisions, *viz* :—

Jubbulpore.
Seonee.
Mundlah.
Nursingpore.
Saugor.
Dumoh.
Hoshingabad.
Baitool.

Notification Government of India No. 2531, *dated* 13*th May* 1862.

administration of the Police throughout the Local Jurisdiction of the Magistrate of the District, shall, under the general control and direction of such Magistrate, be vested in a district superintendent, and such Assistant District superintendents, as the Local Government shall consider necessary. The Inspector General and other officers above-mentioned shall from time to time be appointed by the Local Government, and may be removed by the same authority.—*Act V. of* 1861, *sec.* 4.

Inspector General to have powers of a Magistrate.

To exercise them under the orders of Government.

1515. The Inspector General of Police shall have the full powers of a Magistrate throughout the General Police District; but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government.—*Act V.* 1861, *sec.* 5.

Depy. Inspectors General may be vested with powers of a Magistrate.

In what cases those powers shall be exercised.

1516. The Local Government may vest any Deputy Inspector General, Assistant Inspector General, District Superintendent, or Assistant District Superintendent of Police with all or any of the powers of a Magistrate within such limits as it may deem proper; but such Officers respectively shall exercise the powers with which they shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, so far as may be necessary, for the performance of the duties assigned to them by this Act.—*Act* V. 1861, *sec.* 6.

Dy. Inspectors General and District Superintendents of Police in the N. W. P. vested with powers of a Magistrate.

1517. The several Deputy Inspectors General and District superintendents of Police, in the North Western Provinces are hereby invested with the powers of a "Magistrate," within all the Districts, comprising the division of the Revenue Commissioners within which they are serving. —*Government Resolution No.* 767 A, *3rd July* 1861, *para.* 2, *W. P.*

When those powers are to be exercised.

1518. The powers thus conferred upon the above-named Officers and the powers of a Magistrate throughout the General Police District which, by Section 5, are vested in the Inspector General of Police shall be exercised only as far as may be necessary in the absence of any Magistrate, for the preservation of peace, the prevention and detection of crime, or the pursuit and apprehension of offenders; or further, for the trial and adjudication of penalties for neglect and misconduct under sec. 29, Act 5 of 1861. Provided always that whenever persons, not belonging to the Police Force, shall be amongst the parties concerned, as in the contemplated case of "unwarrantable personal violence" to any person in the custody of the Police the trial shall be held by a "Magistrate."—*Ibid, para.* 3.

Inspector General &c. to appoint and dismiss Police Officers or fine them for neglect of duty.

1519. The appointment of all Police Officers other than those mentioned in Section IV. of this Act shall, under such rules as the Local Government shall from time to time sanction, res with the Inspector General, Deputy Inspectors General, Assistant Inspectors General, and Distr Superintendents of Police, who may, under such rules as aforesaid, at any time dismiss, su or reduce any Police Officer whom they shall think remiss or negligent in the discharg duty or unfit for the same, or fine any Police Officer to any amount not exceeding on pay who shall discharge his duty in a careless or negligent manner, or who by any Act shall render himself unfit for the discharge thereof.—*Act. V.* 1861, *sec.* 7.

SECTION II.

CONSTITUTION OF THE POLICE FORCE AND APPOINTMENT AND DISMISSAL OF POLICE OFFICERS AND POLICE SUPERANNUATION FUND.

1507. The Police of the country is under the exclusive charge of the Officers appointed to the superintendence of it on the part of Government. The land-holders and farmers of land, who were bound to keep up Establishments of Thanadars and Police Officers for the preservation of the peace previous to December 1792 are prohibited entertaining such establishments.* *Regulation* XXII. 1793, *sec.* 2.

The charge of the Police vested in whom.

1508. The Magistrates were required to divide their respective Zillahs, including the rent freelands, into Police Jurisdictions : each Jurisdiction to be ten coss square, except where local circumstances rendered it advisable to form all or any of the jurisdictions of greater or less extent : and the jurisdictions to be formed in such manner as to bring the principal Towns Bazars, and Gunges, in the centre of them, that the Police establishments might serve for the protection of these principal places, as well as the circumjacent country : the Police Jurisdictions to be numbered, and to be named after the places in which the Darogahs and their establishments were stationed.—*Regulation* XXII. 1793, *sec.* 4 *and* 5.

The Division of the Zillah into Police Jurisdictions.

1509. The Magistrates are not to change the names or numbers of the Jurisdictions, nor to alter the limits of them, without the sanction of Government.—*Regulation* XXII. 1793, *sec.* 5.

Such jurisdictions to be numbered and named and the names & numbers are not to be changed.

1510. The Magistrates of the cities of Patna, Dacca, and Moorshedabad, were required to divide the cities and the places adjacent, subject to their respective jurisdictions, into wards. —*Regulation* XXII. 1793, *sec.* 26.

The division of the cities into wards.

1511. The wards were to be numbered and named ; and the Magistrates are not to change the names or numbers of the wards, or alter their limits, without the sanction of Government. —*Regulation* XXII. 1793, *sec.* 27.

The names and numbers of the wards are not to be changed.

1512. The entire Police Establishment under a Local Government shall, for the purposes of this Act, be deemed to be one Police Force and shall be formally enrolled, and shall consist of such number of Officers and men and shall be constituted in such manner, and the members of such force shall receive such pay as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor General of India in Council.—*Act V.* 1861, *sec.* 2.

Constitution of the Police Force.

1513. The superintendence of the Police throughout a general Police District shall vest in and, subject to the general control of the Governor General of India in Council, shall be exercised by the Local Government to which such District is subordinate, and, except as authorized under the provisions of this Act, no person, Officer, or Court shall be empowered by the Local Government to appoint, supersede or control any Police Functionary.—*Ibid, sec.* 3.

Superintendence in the Local Government.

1514. The administration of the Police throughout a general Police District shall be vested in an Officer to be styled the Inspector General of Police, and in such Deputy Inspectors General and Assistant Inspectors General, as to the Local Government shall seem fit. The

Inspector General of Police, &c.

por

* This prohibition does not extend to any District included in the Jurisdiction of the Magistrate of the Jungle the Police of which, subject to the control of the Magistrate, has been or may be committed to the Zemindar manager of a Zemindaree. It is also declared inapplicable to any land-holder, or to any farmer or manager om Government authorizes to entertain an establishment of Police Officers whether in the Jungle Mehals other Mehals or district whatever. In such cases particular rules are provided for the Zemindars and as the power of extending them either in whole or in part to any other Mehals the Police of which is mindar, or other land-holder, or to a farmer or manager of land.

1520. The appointment, promotion, dismissal and punishment of Inspectors, of all Police Officers below the rank of Inspector and of all Constables, shall rest with the Inspector General, who is hereby empowered to delegate his authority to the Deputy Inspectors General or to the District Superintendents in such manner, and subject to such limitations as may, from time to time appear to him expedient. Provided always that the appointment, promotion, dismissal and punishment of Inspectors of Police shall in every case be subject to the confirmation of the Inspector General.—*Government Resolution No. 767 A, 2nd July* 1861, *para.* 4, *W. P.*

Appointment, promotion, dismissal & punishment rest with the Inspector General who can delegate the same to his subordinates.

1521. The Police Force will be divided into.

Constitution of Police Force.

1st.—Districts.

2nd.—Divisions.

3rd.—Sub-divisions.

4th.—Sections.

Each Sub-division of Police will consist of

1 Chief Constable.

1 Head Constable.

13 Constables one of whom will be employed as writer. Sections will consist of one Head and not more than eight nor less than four Constables, ordinarily six Constables.

A Division will consist of 2 or more Sub-divisions and Sections.—*Police Manual W. P. Part* 1, *para.* 53.

1522. Every Police Officer so appointed, shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector General, or such other Officer as the Inspector General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall be immediately surrendered to the Superior Officer of such person or to some other Officer empowered to receive the same.—*Act V.* 1861, *sec.* 8.

Police Officers to receive certificates of Office.

1523. Form of Certificate.

A. B., has been appointed a member of the Police Force under Act V. of 1861, and is vested with the powers, functions and privileges of a Police Officer.—*Act V* 1861, *Form.*

Form of certificate.

1524. The certificate of appointment to be given to Police Officers or Constables under Section 8 will be given under the seal and signature of the Officer under whose authority the appointment is finally confirmed.—*Government Resolution No. 767 A, 2nd July* 1861, *para.* 5, *W. P.*

Certificate by whom to be given in the N. W. P.

1525. No Police Officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other Officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his office unless he shall have given to his superior Officer notice in writing, for a period of not less than two months, of his intention to resign.—*Act V.* 1861, *sec,* 9.

Police Officer not to resign without leave or two months notice.

1526. No Police Officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector General.—*Ibid, sec.* 10.

Police Officer not to engage in other employment.

1527.—There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the uncovenanted service Pension Rules, a sum after such rate as the Local Government shall direct, not being a greater rate than one anna in the Rupee. The sum so deducted, together with amount of any saving from the stoppages from the pay of Police Officers during absence from sickness or other cause, and of fines imposed on Police Officers for misconduct, and by Magistrates upon drunken persons, or for assault upon Police Officers, and any money arising from the sale of worn or cast off clothing or other articles supplied for the use of the Police, or from

Police Superannuation Fund.

any other Source which shall be authorized by the Local Government, shall, from time to time, be invested in such manner and in such securities as the Local Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required, for the purposes herein mentioned, shall be likewise invested as aforesaid and accumulate, so as to form a Fund to be called "The Police Superannuation Fund" and shall be applied from time to time to the payment of Superannuation or retiring allowances or gratuities, under such rules as may be passed by such Local Government. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.—*Ibid, Sec.* 11.

Proviso.

How Police Superannuation Fund to be formed

1528.—The Police Superannuation Fund shall be formed :

1st.—By deductions at the following rates from monthly Pay :

Chief and head Constables 1 anna per Rupee.

Constables mounted or foot half anna per Rupee. The deduction of pay from mounted Constables being from third of the salary.

2ndly. By savings from the stoppages from pay of Police Officers during absence from sickness or authorized leave.

3rdly.—By the amount of fines imposed as follows :

(a)—Fine imposed for neglect or misconduct of Police Officers under Sections 7 and 29 of Act 5, 1861.

(b)—Fines imposed by "Magistrates" on drunken persons or persons convicted of assault upon Police Officers.

4thly.—By proceeds of sale of useless and worn out articles of clothing or equipment, provided for the use of the Police by the state.

5thly. By sale proceeds of unclaimed property, placed at the disposal of Government by *sec.* 27 of *Act* 5 of 1861.

6thly. By proceeds of sale of moveable property of absconded offenders, whethers process has been evaded or resisted.—*Government Resolution No.* 767 *A*, *3rd July* 1861, *para.* 6, *W. P.*

1529.—The first source calls for no remark.—*Ibid, para.* 7.

Second item to consist only of the available surplus of stoppages.

1530.—As regards the second item, it is necessary to remark that it will be only the surplus of stoppages which will be available. It will frequently be unavoidable to employ extra Police men in the absence of persons sick or on leave. These substitutes will be paid from stoppages. The saving after such payment will be credited to the Superannuation Fund.—*Ibid, para.* 8.

Inspector General to watch closely the exercise of the power to fine and to call for returns.

No fines under sec. 7 to be credited without his sanction.

1531.—With regard to the third item, the Lieutenant Governor remarks that, it will be the duty of the Inspector General to watch closely the exercise of the power to fine, and to call for such returns as may satisfy him on this point, and to direct that no fines imposed under Section 7 of Act 5 of 1861 be credited to the Superannuation Fund, until such have received his sanction.—*Ibid, para.* 9.

Magistrates to keep register of fines and to send extract from it and amount of fine to District Superintendent at the close of each month.

1532.—With regard to other fines mentioned under the third clause, the Lieutenant Governor is pleased to declare that it will be the duty of all "Magistrates of the District," and they are hereby requested, to keep up a separate register of all fines imposed for the offences specified under this head; and at the close of each month to send an extract from the register to the District Superintendent of Police, together with the sum of the fines realized. The District Superintendent will give his receipt for the money so transmitted, and will credit the same in his account of the Superannuation Fund.—*Ibid, para.* 10.

1533.—Similarly the "Magistrate of each District" at the close of each month, will pay to the District superintendent the nett amount realized during the month by the sale of unclaimed property, and of the moveable property belonging to absconded offenders; it being understood, that a commission of three per cent shall be allowed to the person employed to conduct the sale, and that no other deductions than the said commission shall be made.—*Ibid, para.* 11, *and G. O. No.* 1058 *A*, 30 *Sept.* 1861, *para.* 6, *W. P.*

Magistrate to pay at close of month to District Superintendent amount sale of unclaimed property of absconded criminals.

1534.—The District Superintendent of Police will keep up a daily account of all monies from whatever source realized, to the credit of the Superannuation Fund, and on the 15th of the month following that to which the account relates will remit the monies so realized in even sums to the Office of the Inspector General of Police at Allahabad with an extract from the account for the month.—*Government Resolution No.* 767 *A*, 3rd *July* 1861, *para.* 12, W. P.

District Superintendent to keep account of all monies so received and to remit the amount on 15th of each month to Inspector General's Office at Allahabad with extract from account Book.

1535.—The Inspector General of Police will keep a general account of all sums thus received from District Superintendents, and deposit the monies transmitted in any bank, until they shall amount to the sum of Rs. 5000 when he will invest the same in Government Securities or in the purchase of shares in a chartered Bank.—*Ibid, para.* 13.

Inspector General to keep account of sums so received, to deposit them in Bank till they amount to 500 Rs. and then to invest them in Government Securities or shares of chartered Bank.

1536.—No grants or other payments from the Superannuation Fund may be made without the sanction, previously obtained of the Lieutenant-Governor Rules as to the period of service and other conditions required to entitle the several members of the Force to pensions or gratuities therefrom, and as to the rates of Pensions, &c. will be issued hereafter.—*Ibid, para.* 14.

Grant not to be made without Sanction of Government.

1537.—As soon after the close of each calendar year as possible, an abstract account showing the receipts, expenditure, and the nature of the vested securities, will be published in the Gazette, for the information of the Police interested therein.—*Ibid, para.* 15.

Account of receipts, expenditure and vested Securities to be published in the Gazette yearly.

1538.—The Inspector General of Police may, from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient, relative to the organization, clasification and distribution of the Police Force, the places at which the Members of the Force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the Police Force as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such Force efficient in the discharge of its duties.—*Act V.* 1861, *Sec.* 12.

Inspector general to make rules.

1539.—It shall be lawful for the Inspector General of Police, or any Deputy Inspector General, or Assistant Inspector General, or for the District Superintendent, subject to the general direction of the Magistrate of the District, on the application of any person showing the necessity thereof to depute any additional number of Police Officers to keep the peace at any place within the General Police District, and for such time as shall be deemed proper, such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, Deputy Inspector General, or Assistant Inspector General, or to the District

Additional Police Officers employed at the cost of individuals.

Superintendent, to require that the Police Officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional Force from the expiration of such notice.—*Act V.* 1861, *sec.* 13.

Appointment of additional Force in the neighbourhood of Railway and other works.

1540.—Whenever any railway, canal, or other public work, or any manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General, that the employment of an additional Police Force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Inspector General, with the consent of the Local Government, to depute such additional Force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern for the payment of the extra force so rendered necessary, and such persons shall thereupon cause payment to be made accordingly.—*Ibid, sec.* 14.

Quartering of additional Police in disturbed or dangerous districts.

1541. It shall be lawful for the Inspector General of Police with the sanction of the Local Government, to be notified by proclamation in the Government Gazette and in such other manner as the Local Government shall direct to employ any Police Force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the part of the country described in the notification shall be charged with the cost of such additional Police Force, and the Magistrate of the District, after enquiry if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment of their respective means.—*Ibid, sec.* 15.

Main features the new Police.

1542. One of the main features of the new system of Police has been to raise the service from an ill paid service, without organization, to a well paid, properly disciplined and well supervised body, of sufficient strength for the performance of every duty required, and yet not so numerous as to allow of idlers. The service will be valuable.

The service will be valuable.

1st. By reason of higher scale of pay.

2nd. By promotion up to Grade of chief Constable from lower ranks, as an infrangible rule.

3rd. By forming for the provision of old age a Superannuation Fund, formed by the Force in which consequently every man will have an interest and property.—*Police Manuel W. P. part* 1, *para.* 28.

Under new System pay has been increased and there are good prospects of promotion which was not the case in the old service.

1543. It is of the utmost importance that these reforms should be clearly made known to the Officers and men of the Police Force. Hitherto men appointed on the lower grades during youth have seldom risen to any higher rank in the service, and generally speaking the servants life was spent in the rank on which he entered the service when young. Under the new system not only has the pay of the lowest grades been raised from four rupees to an average of six rupees per mensem, but further every vacancy in ranks up to the Chief Constable will, without exception or deviation, be filled up from the lower grades, and Chief Constables are eligible for promotion to the rank of Inspector, whose position is similar to that of the native Commissioned Officer in the Army.—*Ibid, para.* 29.

Under the new System they have certainty of promotion and of a pension in old age in return of faithful service.

1544. Again, hitherto a *burkundaz* who entered the service on 4 Rs. and who spent his life in the same grade was turned out when unfitted for service without provision. He perhaps obtained service for his son or other relative, but this was uncertain, and depended on the consideration or favor of the Magistrate. Now a Police man, who has served a long time faithfully, will certainly be provided for by an annuity proportioned to the length of his service from the Superannuation Fund, which will be formed by a contribution during service of a sum varying from half to one anna in each rupee of pay given, so that men entering the service are not only better paid than hitherto, but they have the certainty of promotion and of a pension in old age in return for faithful service.—*Ibid, para.* 30.

1545. The Police service has thus been raised from an underpaid into a well paid, well organized and highly honorable service. The members of the Force from the Superintendent General to the lowest Constable are entrusted with the high duty of preserving the general peace of the Province, of protecting the lives and properties of the honest from the depredations and attacks of the wicked, and of maintaining and up-holding the law of the realm. Every man should feel pride in, and strive to up-hold the honor of the service ; and the Government expects and the Inspector General and his Deputies will require from every man a full honest performance of the duties allotted to him.—*Ibid, para.* 31.

Police service has been raised from an underpaid into a well paid, well organized and highly honorable service.

1546. The last change to be noticed refers to the Recruiting of the Police Force, and on this point the most serious attention of District Superintendents is required.—*Ibid, para.* 32.

Recruiting of Police Force.

1547. The Force as first formed has been necessarily composed of such men as were already in employ, unless physically unfit or of bad character. It would have entailed much hard-ship, had service been denied to all who were unable to read or write, or otherwise wanting in qualifications.—*Ibid, para.* 33.

Service as first formed is composed of the old men.

1548. But for the future, promotions and vacancies can only be filled by men thoroughly qualified by attainment, that their advancement in the service may depend solely upon the conduct and zeal of individuals.—*Ibid, para.* 34.

Promotions and vacancies to be filled up in future by duly qualified men.

1549. In order to attain this end one Chief Constable has been added to the reserve to be employed as instructor. His occupation will be that of School master to the Reserve and to the Preparatory classes.—*Ibid, para.* 35.

One chief Constable added to the Reserve as instructor.

1550. Hereafter men applying for the service must first enter in the Preparatory class, which will consist of five per cent on the total number of Constables, receiving a subsistence allowance of 3 Rs. a month, and any others who may be willing to attend and who may be approved by the District Superintendent. The rules for admission will be given in the Manual itself, but are briefly recapitulated here.—*Ibid, para.* 36.

Men applying for the service must enter the preparatory class.

1551. They must be examined and passed by the Civil Surgeon. They must be between the age of 15 and 20 years and of intelligence sufficient to give presumption of efficiency after instruction.—*Ibid, para,* 37.

To be examined by Civil Surgeon. Age. Efficiency.

1552. They will remain under Police discipline and regulation and not be admissible into service as Constables until able to read and write the Urdoo character, and generally acquainted with the rules and orders by which Police Officers are to be guided in the performance of their duties : and until they have been so far drilled as to be able to use the arms which they may be required to handle, to move in regular orderly manner, and to be subordinate to their superior Officers. Care should be taken in the selection of Recruits, and any approved as Probationers should be dismissed, whenever after trial it appears improbable that they will be fitted for active service.—*Ibid, para.* 38.

Not admissible into service as Constable till they learn to read and write, and learn the necessary rules and orders and drill.

1553. Instruction should not be confined to the Recruits. It must extend to all of the original force present in the reserve, who may require it and who have been admitted on the first formation on the claim of former service only.—*Ibid, para.* 39.

Instruction to be given to all present in the reserve, &c.

1554. The following directions are mainly taken from the Madras Manual and must be strictly attended to.—*Ibid, para.* 111.

1555.—The utmost importance attaches to this part of the organization. The character of the Police Force throughout the Province for efficiency and general tone will, within a very few years, become largely influenced by the training and tone imparted while its members are passing through the Probationary grade. At the first transfer, a large body of men, recruited in the most objectionable manner, will necessarily fill the ranks of the Police Corps, men whom it will be impossible to train into an effective Constabulary ; but the new organization must be based from the first on the strictest rules in regard to recruiting the Force ; and every recruit must be brought under the most minute and individual observation of the European Head of the District corps before being brought

Recruits.

Character and conduct of recruits to be respectably guaranteed Physical fitness and healthy constitution to be medically certified.

General intelligence to be ascertained by Superintendent himself.

on its strength. The character and conduct of every candidate for employment must be respectably guaranteed, his physical fitness, and robust healthy constitution must be medically certified by the Zillah Surgeon, who will be guided in this matter by the rules and standard laid down for the Native Army, and the general intelligence of the candidate must be ascertained by the superintendent himself before he is received as Police Recruit. A body of approved recruits numbering five per cent on the total number of Constables must then be entertained on subsistence allowances to supply the annual waste of Force from casualties, and be placed under instructions, training and probation for a considerable period.—*Police Manual N. W. P. part* I, *para.* 112.

Training of this class to be an important personal duty of Superintendent.

1556.—The training of this class will be an important personal duty of the District Superintendent. It will be placed under the immediate supervision of the Head Quarter Inspector for general instruction, and he will have a good discharged drill Havildar or Naik of the Military Police as Head Constable in immediate command of the class. The probationers will be subjected to discipline of a military character and to close observation.—*Ibid, para.* 113.

Course of drill and instruction.

1557.—They will learn the Manual and Platoon, as also the sword exercise, and to move in an orderly regular manner, and the strictest subordination to authority will be inculcated. They will receive individual instruction in regard to their future duties, powers, and responsibilities. If unable to read and write, they will get instruction in reading at least; they will be taught to give evidence intelligently, and will be instructed generally in some of the common principles of the law of evidence, as bearing on the conduct of the Police Officer in tracing an offence, or managing a Case. The probationary Recruits will be worked with the reserve and will, by taking the duty of men on leave and sick, and by executing other general duties, as required, obtain a practical training before being brought on the strength of the corps. Each man's ability and disposition will be ascertained and carefully noted by the Superintendent in a book kept for the purpose; and any Probationer who may prove not likely to be equal to, or fitted for, the peculiar and arduous duties of the Police will at once be discharged from the class. Strict examination, according to the prescribed tests, will be passed before a Probationer can be declared eligible as a Constable, but all vacancies in the Police corps will be filled up from this Class alone.—*Ibid, para.* 114.

Allowance to Inspectators & Subordinate Police Officers when deputed on urgent service beyond the boundaries of their Districts.

1558.—The Honorable the Lieutenant-Governor is pleased to resolve that Inspectors or other Subordinate Officers of Police, when deputed on urgent services, such as the pursuit of criminals or the like, beyond the boundaries of the districts in which they are employed, shall be sent by the District Superintendent of Police on the Public service.

The actual charges on account of conveyance together with a deputation allowance of Rs. 2 per diem for Europeans and Eight annas per diem for Natives shall be recovered by contingent bills under the counter signature of the Inspector General of Police.—*Government Resolution No.* 174, 15*th March* 1861, *W. P.*

Allowance if travelling by Rail on duty.

1559. A Police Officer travelling on duty who is entitled under the circumstances to draw travelling allowance reckoned by mileage, shall receive, when travelling by Railway, in lieu of mileage rate, actual cost of his Railway ticket. An Officer having a salary of 50 rupees a month and upwards will be entitled to a second class ticket, and less than that sum, to a third class ticket.—*C. O. Government Bengal No.* 76, 9*th Nov.* 1859.

RULES FOR APPOINTMENT OF INSPECTORS.

Register of applicants to be kept in Inspector General's Office.

1560. A Register of applicants for appointment as Inspectors of Police will be kept in the Office of the Inspector General.—*C. O. of the Inspector General of Police N. W. P. No.* 3, *dated* 15*th May* 1862, *Para.* 1.

1561. District Superintendents will forward Descriptive Rolls of applicants in the form annexed, whether such applicants be serving in the Police ranks, or otherwise.*—*Ibid, para.* 2. Superintendent to forward Descriptive Roll of applicants.

1562. The conditions on which applications will be accepted are as follows.—*Ibid, para* 3. Conditions of acceptance of applications.

1563. The applicant must be able to read and write English, or Urdoo. If a European he must be able, at least, to speak and understand Hindoostani.—*Ibid, para.* 4. Applicant should be able to read and write.

1564. If hitherto unemployed in the public service, he must be recommended by a Magistrate of a District or other responsible Police Officer of Government, as trustworthy by birth, respectibility, and loyalty.—*Ibid, para.* 5. To be recomendied by a responsible Officer of Government.

1565. If in the public service, the application must be accompanied by a certificate of good character from his employer, and by a letter stating that the application is made with his (the employer's) knowledge and consent, and a statement of former services must accompany the application.—*Ibid, para.* 6. Certificate of good character.

1566. If the applicant be of a European extraction, his habits with reference to sobriety must be vouched for.—*Ibid, para.* 7. Sobriety.

1567. The applicant must have a general knowledge of Police laws and procedure as contained in the following enactments and general orders.—*chapters* VI, VIII, *and* XI *of act* XXV of 1861, *sections* X, XVII, XVIII, XIX, XXIII, XXXI, XXXIV, *act* V. *of* 1861, *Paras* 37, 38, 53, 54, 55 to 58, 62, 63, 66, 77 to 87, 94 to 100, 103 to 108 of *Resolution of Government No.* 767 *A, dated* 2*nd July* 1861. *Ibid, para.* 8. Knowledge of Police Laws and procedure.

1568. From and after 1st June all appointments to Inspectors will be made from the list of applicants on the Inspector General's Register.—*Ibid, para* 9. Appointments to be made from Inspector General's list of applicants.

1569. The appointment will be probationary for three months. Within this term the Officer thus probationarily appointed must acquire an intimate knowledge of the duties required from every rank of the Police, and an intimate knowledge of the Law Act V. of 1861, Chapter 4 to 9, inclusive of act XXV. of 1861, of the offences specified in the Schedule of act XXV. of 1861, as offences in which arrest can be made without warrant, and the definitions of these offences as laid down in the Sections of act XLV. of 1860, referred to in the 1st column of that Shedule.—*Ibid, para.* 10. Appointment probationary

1570 On passing an examination on the above, the Officer will be confirmed in his appointment and be entitled to such promotion, as his zeal or conduct may give him claim for.—*Ibid, para.* 11. Examination.

*Nominal Roll of Applicant for employment as Inspector of Police in N. W. P.

Names.	Father's name.	Caste.	Age.	Residence.	Specification of previous service.	If hitherto unemployed by whom recommended.	Report of District Superintendent on qualifications and character, and grounds of recommendation.

District Supt. of Police

General Duties of Inspectors.

1571. The general duties of Inspectors are as follows.—*C. O. Inspr. Gl of Police N. W. P. No.* 8, 15*th May* 1862, *para.* 12

He is Inspector of two or more stations.

1572. He is not an Officer in charge of any Police Station, but Inspector of the Officer of two or more stations forming a Police Division.—*Ibid, para* 13.

To see that Subordinate Officers perform their duties diligently, &c.

1573.—As such his duties are to see that the Officers and Subordinate Police of the Division perform their duties with promtitude and fidelity. That all occurrences and that the employment of the Police are faithfully and correctly reported, that the discipline of the Constabulary is maintained, that the Subordinate Officers and Constables are aquainted with the duties to be performed, or are being instructed therein, that their arms, accoutrements and uniforms are in good order, and that good orderly conduct is maintained throughout his division.—*Ibid, para.* 14.

He is principal detective of the Division.

1574. He is the principal detective of the division, and the Police investigation of all heinous or grave crimes committed within the division devolves upon him. In order to be successful in detecting crime, it is his duty to have a general knowledge of the inhabitants of his Division, more particularly of bad or suspected characters, and to see that the Constables of walks acquire and retain an intimate aquaintance with their beats.—*Ibid, para.* 15.

He is to trace out crime and discover offenders.

1575. Aided by his own general knowledge, and by the intimate knowledge of the Subordinate Police, the Inspector is expected by the force of his superior intelligence to perceive the clue to crime, and by enquiry to follow up such clue, to discovery of offenders.—*Ibid, para.* 16.

To be acquainted with manual platoon exercise.

1576. Inspectors should be acquainted with the manual Platoon Exercise, and be able to move a body of 100 men, in such a way, as to be able, backed by that force, to quell any serious Riot, and also to be able to escort treasure or prisoners safely, and with order and precision.—*Ibid, para.* 17.

To communicate intelligence.

1577. He is expected to be able to advise the District Superintendent or Magistrate on every subject connected with his District in a Police aspect, and to communicate to these Officers the earliest information of any evil designs, or seditious movement against Her Majesty's Government and *lastly* :—*Ibid, para.* 18.

1578. He is responsible for the General good conduct, discipline and honesty of the Police of his Division, and as such bound to inform himself of the conduct and character of each man and to report every instance of misconduct.—*Ibid, para.* 19.

Respectable men to be appointed.

1579. The service is one of honor, to which only men of unexceptionable character, of respectability and Education will be admitted. As such it is open to all Europeans of good conduct, character intelligence, and the sons of native gentlemen in the higher service of Government, or landed or other proprietors resident in the territories of the N. W. Provinces, to chief Constables in the Police ranks who may distinguish themselves by eminent intelligence and trustworthiness, or by peculiar acts of good service.—*Ibid, para.* 20.

Probationers.

1580. As a general rule, Native Inspectors will enter on 9th or 10th grade, Europeans (whose expences are necessarily greater) on the 7th grade. Whether Native or European promotion to the higher grade on 200 Rs. a month is open to all equally. Youths who have no knowledge of Police duties, but who are otherwise qualified for the Police service, are allowed to attend the Offices of District Superintendents, or to attend Police schools and drills for the purpose of receiving instruction, and the District Superintendents are desired to see, that such instruction is conveyed in a manner suitable to the expectations of men, entitled by birth and education to respect.—*Ibid, para.* 21.

SECTION III.

GENERAL POLICE FUND AND POLICE ACCOUNTS.

Payment of money for support of additional Police Force.

1581. All monies payable under the last three preceding Sections, on account of any additional Police Force employed as therein directed, shall be recoverable under the warrant of Magistrate by distress and sale of the goods of the defaulters within the District of such Magis-

trate, or by suit in any competent Court; and the monies paid on this account or so recovered shall be credited to a Fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Local Government shall pass.—*Act V.* 1861, *sec.* 16.

Rewards to Police and informers payable to General Police Fund.

1582. All sums paid for the service of process by Police Officers, and all rewards, forfeitures, and penalties or shares of rewards, forfeitures, and penalties which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund.—*Ibid, sec.* 41.

Rewards penalties, &c., Section 41, Act 5, 1861.

1583. Section 41 Act 5 of 1861 seems to call for some explanation By the term "rewards" are not intended rewards specially authorized by the Government or its Officers for the apprehension of absconded offenders, escaped convicts or for any special Service. These will be payable to the parties performing such Service. But they are the "rewards" and "for feitures" contemplated by Reg. 7 of 1824 (now Act 21 of 1856) for information of infraction of Abkaree Laws; for information of the Opinion Laws under Reg. 3 of 1816 (now Act 13 of 1857) and such like. To such rewards no Police Officer, giving the information referred to will be entitled, because he is a paid Servant of the Government entertained for the enforcement of all Laws. The whole of such rewards and forfeitures will however be claimed from the Department authorized to award such and will be credited to the General Police Fund.—*Govt. Res. No.* 767 *A*, *2nd July* 1861, *para.* 65, *W. P.*

Police Officers not entitled to them.

General Police. Fund Sections 16 and 41, Act 5, 1861.

1584. The General Police Fund will be composed of all sums paid or realized for extra or Special Police under Sections 13, 14 and 15 of Act 5 of 1861, and Section 41 of the same Act, of "all sums paid for the Service of process by Police Officers, and of all rewards, forfeitures, and penalties, which by law are payable to informers," and which, "when the information is laid by the Police" would be payable to the members of the Police Force.—*Ibid, para.* 16.

Estimated receipts and expenditure of the General Police Fund to be shown in General annual Budget.

1585. In the General Annual Budget for N. W. Provinces, it will be necessary to show the estimated receipts of the General Police Fund, and the estimated expenditure therefrom. The strict observance, therefore, of the following rules is enjoined upon Deputy Inspectors General and District Superintendents of Police, and upon Magistrates of Districts.—*Ibid, para* 17.

Cities and Towns to which Act 20 of 1856, has been or will be extended to defray the entire cost of the Police allotted to them respectively.

1586. It is expected that all Cities and Mofussil towns, Bazars &c. to which Act 20 of 1856 may have been or may hereafter be extended, or in which the system of town duties or "octroi" may have been or may hereafter be introduced, shall defray the entire cost of the Police which has been allotted to them respectively. And it will be the duty of all "Magistrates of Districts" to provide adequately for this demand upon their Municipal Funds.—*Ibid, para.* 18.

How much of Municipal Fund claimable by "General Police Fund."

1587.—It will be understood that only so much of the Municipal Fund, realized from each such city, town, or bazar will be claimable by the "General Police Fund" as shall suffice to cover the cost of the Police.—*Ibid, para.* 19.

Surplus to be at disposal of Magistrate for lighting, &c. and cost of collection.

1588. The surplus will as heretofore be at the disposal of the "Magistrate of the District" for the purposes of lighting, paving, and conservancy; and every such Magistrate will be entitled to reserve a sum out of these Funds sufficient to meet the charges of collection.—*Ibid, para* 20.

Magistrates to supply Inspector General of Police with a statement in given From.

1589. Magistrates of Districts will be furnished by the Inspector General of Police under these instructions, with a statement, showing the strength, grades and the total cost of the Police allotted to each such city, Mofussil Town or Bazar, &c., and upon receipt thereof it will be the duty of the Magistrate of the District to supply the Inspector General with a Statement in the following Form.

District.	Name of City, Town or Bazar.	Number of Houses.	Population.	Amount of Municipal Funds per annum.	How levied whether under Act 20 of 1856 or by octroi	Contribution to General Police Fund.	REMARKS.
							Ibid, para. 21.

If contribution to General Police Fund be not equal to cost of Police Inspector General to call on Magistrate to impose additional Tax.

1590. The Inspector General of Police, whenever, on inspection of this statement, he may find that the cost of the Police, in any City, Town or Bazar is not covered by the contribution to the General Police Fund, will call on the Magistrate of the District to make up his contribution to the amount required or, if the Municipal collections should not admit of this, then to increase the assessment in such degree as he may find practicable without exceeding the limitations imposed by sec. 11 Act. 20 of 1856.—*Govt. Res. No.* 767 *A*, 2*nd July* 1861, *para.* 23, *N. W. P.*

Magistrate to take measures for timely and punctual realization and payment of Municipal Funds.

1591. Magistrates of Districts are hereby enjoined to take measures for the timely and punctual realization of these Municipal Funds, and to pay over to the District Superintendent the cost of the City, Town or Bazar Police, within 30 days after the close of the month, for which pay is due.—*Ibid, para.* 23.

Cantonment Magistrates to be guided by foregoing instructions.

1592. The foregoing instructions *mutatis mutandis* will guide the Cantonment Joint Magistrates in the realization of the Bazar and other Cantonment Funds, and in respect of the payments which they are required to make to the District Superintendent of Police.—*Ibid, para.* 24.

Strength of Jail guards.

1593. The strength of the permanent jail guards to be entertained at each jail of these Provinces has been determined in concert with the Inspector General of Prisions, and Inspector General of Police has been informed thereof.—*Ibid, para.* 25.

Guard to be furnished from Police Force Cost thereof to be paid to Superintendent on or before 10th of the month

1594. This guard will be hereafter furnished from the Police Force by the District Superintendent, to whom payment of the cost thereof will be made by the Magistrate or other Officer in charge of the jail, on or before the 10th of each month for the month preceding.—*Ibid, para.* 26.

District Superintendent to report cases of delay.

1595. Officers in charge of jails having been specially authorized to draw advances from the Treasury to meet this and other jail charges, subject to adjustment by audited bills, will have no excuse for differred payment, and the District Superintendent will report to the Deputy Inspector General all instances in which delay may occur.—*Ibid, para* 27.

Contribution to Superannuation Fund to be deducted.

1596. The District Superintendent before distributing pay to the Police forming the jail guard, will make the deduction on account of Contribution to the Police Superannuation Fund, and will credit the same in his accounts of that Fund.—*Ibid, para* 28.

Pay of Jail Guard to be included in Superintendent's Pay Abstract but sum received from Officer in charge of Jail to be deducted from total amount thereof.

1597. The District Superintendent will include in the pay abstract of the Police Force belonging to his District the pay of the jail guard, the object being to keep in view the entire strength of the Police Force attached to each District, but before submitting the abstract for audit, he will deduct, from the total amount thereof, the sum received from the Officer in charge of the jail, on account of the permanent guard.—*Ibid, para* 29.

Extra Guards to be indented when required and cost to be paid in cash.

1598. When extra special Guards are required on occasions of emergency, e. g. for escort of prisoners under transportation, the Officer in charge of the jail will indent for such special Police party in the form prescribed by Notification No. 589 A, dated 12 June 1861, paying in cash the cost of the Police thus furnished.—*Ibid, para.* 30.

Guards, Escorts and special Police parties.

1599. *The Government of India* have enjoined upon the Local Government the necessity of employing Police, instead of Military guards, to watch buildings or property of the Government, whether in Cantonments or elsewhere. In connection with this order the Military Finance Commission have laid down, in the following terms, the conditions under which Police parties shall be furnished to Military authorities and other heads of departments indenting for such. These conditions, it is to be noted, have been approved and endorsed by the Governor General, and sec. 13 Act 5 of 1861, provides that "private and individuals taking Police parties shall pay the cost of them." In like manner therefore all Military authorities and heads of Departments will be required to pay the cost of Police provided on their indents.

The conditions proposed by the Military Finance Commission are as follows :—

"That the watching of Military buildings and property whether in Cantonments or in movement in tranquil times, is *not* Military but Civil duty."

"That such Civil duty ought to be performed by the Civil Constabulary, and that their service should be allowed by the Civil authority to any Military authority or Head of Department in the same manner and on the same conditions as to other parties. That any Military authority or department requiring extra or special Guards of the above description should pay for it at the same rates as charged to private individuals," (see *sec.* 13 *Act* 5 *of* 1861 *above quoted.*)

"That such Military authority or department, should specify to the Civil authority the nature of the extra or special duty *to be performed ;* the Civil authority being held responsible for the due peformance and therefore fixing the number of men to be employed thereon ——————————

(Extract para. 26 of letter of Military Finnance Commission No. 2339, dated 30th August 1860.)—*Ibid, para.* 31.

Indents for special Police parties.

1600. In order to secure an uniformity in the submission of Indents for Police parties, the following Notification has been issued under date the 12th June 1861, and no Police will be furnished except in accordance with the rules therein contained.—*Ibid, para.* 32.

Notification *No.* 589 *A*, 12*th June* 1861

The Lieutenant Governor is pleased to prescribe the following Rules to be observed by all Officers and others requiring special Police parties, for whatever purpose :—

1 Requisitions for Police parties shall be made in the form of Indent annexed, which can be obtained from the Superintendent of Police of each District.

2 The Officer, department or individual requiring Police aid, will, in the second column detail the duty to be performed.

3 It will be the duty of the District Superintendent to furnish the Police so required, and to determine the strength of the party to be provided, with reference to the nature of the duty to be performed.

4 In column 3 of the Indent will be noted whether the guard required is for permanent duty, as guard over store-room, treasure-chest, or such like, or merely temporarily as for protection of stores in transit from station to station when the requirement is only for temporary purposes, the probable time of employment will be noted.

5 On receiving the above indent, the District Superintendent will, on the reverse, enter the strength of the party to be furnished, together with the cost, including pay, authorized allowance for carriage and other charges.

6 The indent thus endorsed will be returned by District Superintendent to the applicant and on receipt in Cash of the cost detailed, the Police will be furnished.

7 The cost will be charged for the whole period of intended employment, when such employment is "temporary," or month by month, when permanent.

No Police parties will be furnished except after receipt of cost in Cash.

9 The rules laid down by the Inspector General of Police, under Section 3 of his Circular, issued in December 1860, are to be observed.

10 Heads of Civil Departments under this Government will immediately report for sanction the expenditure incurred by them on account of Police guards or escorts.

Detail of strength and cost of Police party required by ——for duty shewn.

DETAIL OF FORCE TO BE FURNISHED.	COST OF PARTY.			
Pension Pay Master. 1st Class Head Constable 15 Rupees. 12 Constables, 8 for actual duty. 4 Relief	Pay of force per mensem ..	87	0	0
	Carriage 4 days ...	2	0	0
	Total ..	89	0	0
Exemplar 2. 1 Head Constable. 6 Constables.	Pay of party ¼ month ..	11	8	0
	Carriage for do. 7 days ..	3	8	0
	Total ...	15	0	0

District Superintendent of Police.

Indent for Police Party on Superintendent——District Police.

Office, Firm or Individual requiring Party	Detail of duty to be performed.	Duration of employment whether temporary or permanent.	Date from which required.
Exemplar 1. Pension Pay Master.	Guarding Treasure Chest, containing 10,000 Rs. by double sentries relieved weekly.	Permanent.	1st June 1861.
Exemplar 2. Executive Engineer, Division G. T. R.	To escort tumbril of Treasure, from Meerut to Sirdhana.	Temporary 7 days.	16th June 1861.

Signature.

Private Firms or Individuals may be provided with Police they are willing to pay for.

1601 Private Firms or individuals will be provided with the Police they are willing to pay for. It will, however, be the duty of the District Superintendent to see that they are not employed on other duties than those attaching to Police; that the duties to be performed are not out of proportion to the strength of the party indented for, and that during such employment, Police discipline and Regulation shall be strictly maintained.—*Govt. Res. No. 767A, 2nd July* 1861, *para.* 33, *N. W. P.*

Additional men not to be employed for temporary special duties.

1602 Deputy Inspectors General of Police are required to see, that additional men are not employed on "temporary" special duties, for the performances of which Constables in the reserve are available.—*Ibid, para.* 34.

Inspector of Reserve to keep account of all receipts and expenditure authorized by Deputy Inspector General.

1603. To the Inspector of the Reserve, entrusted with the Performance of duties belonging to the interior economy and dicipline of the force, will be allotted the duty of keeping a register account of all receipts and expenditure authorized by the Deputy Inspector General; but the District Superintendent will be held responsible, that the accounts are faithfully kept, and that no interpolations are permitted in the Register.—*Ibid, para.* 35.

Service of Process. Fees.

1604. The Establishment of the Nazir of the Magistrate's Court having been abolished, and his duties having been undertaken by the Police, the service of "process" in petty cases, not cognizible by the Police, and usually instituted by petition, will devolve on the Police. But it is to be understood, that the fees usually charged under the existing laws and practice for service of such processes shall continue to be levied before issue thereof, and this must be provided for in the order, which the Magistrate will as heretofore pass upon petition of plaint.—*Ibid, para.* 36.

One Inspector of Police to be attached to Magistrate's Court.

1605. There will be an Inspector of Police with a party of Police, attached to the Court of the "Magistrate of the District" and an Officer of Police to each "Magistrate's Court." To the Inspector in attendance on the Court of the "Magistrate of the District" every complainant will be directed to pay the regulated amount of *tulubana* for the service of Subæpna, Summons or other process; and on the Inspector certifying by endorsement on the petition that the money has been paid, the process will be forthwith prepared in the Magistrate's Office in the usual form, and handed to the said Inspector for service.—*Ibid, para.* 37.

How the Inspector is to cause service of process.

1606. The Inspector after entering the process in the Register of Processes. (Form C appended to rules for guidance of Police Officers dated 26th December 1860) (1607) will forthwith cause the process to be directed to the Officer in charge of the Police Station, nearest to the residence of the parties cited to appear.—*Ibid, para.* 38.

1607. Register of Warrants, Summons and other processes issued by Magistrate of Zillah Court of

Date of issue of process	Number.	Nature of process.	Name of person at whose instance issued.	Names of persons entered in process and residence.	Object of process.	Police Station to which forwarded, or Officers to whom delivered.	How executed, when and by whom.	Why not executed.	Amount received for General Police Fund.	REMARKS.

—*Ibid, Form No.* 3, *Appendix No,* 3.

Amount of fees to be paid by Inspector to District Superintendent.

1608 The amount of the fees, received by the Inspector for service of processes will be paid to the District Superintendent.——At the close of the week the District Superintendent will deposit in the Treasury, under "General Police Fund" all sums received during the week, and enter the amount in his account of the "General Police Fund"—*Ibid, para.* 39.

Pay abstract to include pay of whole sanctioned Force.

1609 The Pay abstract forwarded to the Civil Pay Master, will include the pay of the whole sanctioned Force. The statement attached to the Pay Abstract provides for the separate exhibition of all savings of Establishment. On a return of the audited Pay abstract, Pay will be distributed to the Force. The amount of "savings" will be reserved by the District Superintendent, and deposited by him in the Treasury to the credit of Government, under "General Police Fund" and will also be entered in that Officer's monthly account of the Fund.—*Ibid, para.* 40.

1610. Abstract of Paybills of the Force employed in the District of ———— in the Month of 186 .

District.	Pay and allowances as sanctioned.			Police deductions.			Total Deduction.	Amount paid to Force.
				General Police Fund.	Police Superannuation Fund			
	Number.	Rank and Grade.	Total Amount Sanctioned.	Savings from vacancies in establishment or pay of absentees without leave.	On account Subscription.	On account Fines, surplus savings of pay of absentees on leave.		

Govt. Res. No. 767 *A. 2nd July* 1861. *Form No.* 8, *Appendix No.* 7, *N. W. P.*
For Form of contingent Bill see 2047.

General Police Fund.

1611. The General Police Fund is the property of Government. The Fund is constituted under Act 5 of 1861 and is applicable under "section 16 to the maintenance of the Force under such orders as the Local Government shall pass."—*Ibid, para.* 41.

Purposes to which it is applicable.

1612. The Lieutenant Governor accordingly resolves that this Fund shall not be applicable to any other than the following purposes without the express sanction of Government.

1st. To the repayment to Government of the cost of all Police, whether Municipal, Cantonment, or Ferry, or forming Jail Guards, whose cost, though included in the pay abstracts, will be provided for by special payment on the part of the "Magistrate of the District," the Cantonment Joint Magistrate, or the Officer in charge of the Jail.

2nd. To the pay of Special Police parties furnished under sections 13, 14, and 15, of Act V. of 1861 to Public Departments or Officers, or to Firms or Individuals, in those instances in which such parties cannot be furnished from the reserve Force.—*Ibid, para.* 42.

Repayment of advance.

1613. In regard to the first, it has been pointed out above (*para.* 40.) that the pay abstract to be forwarded to the Civil Pay Master, will include the pay of the whole permanent Police Force, that is to say, it will include the Police whose pay will be met from Municipal, Cantonment or Ferry Funds, as well as the Police, whose pay will be met from the funds of the State. The punctual disbursement of pay is thus secured in the way of advance from the Government treasury on account of the former, and by audited pay bill for the latter body. In repayment of the advances referred to, the District Superintendent will pay over to Collector, to be credited to Government, under the head of "Police" all payments that may be received on account of Municipal, Cantonment, or Ferry Funds. He will credit such payments in his accounts of the General Police Fund and debit himself per contra with a remittance of the same amount to the Collector. The remittance will be made in Cash, with a memo. in the following form

Form

The District Superintendent of Police in the District of remits to the Collector the sum of Company's Rupees to be credited to Government, in his

General Treasury Account under the head of Police as follows :—viz.

On account of Municipal Police of

for the month of Company's Rupees

On account of Cantonment

Police of for the month of Company's Rupees

Ibid, para. 43.

1614. The Collector will give his receipt for the amount so remitted in corresponding form.—*Ibid, para* 44.

1615. Under the second heading, it will be sufficient to remark that the Special Police parties furnished whether to public Departments or to private Individuals will be charged for in full, according to the directions given in Notification No. 589 A dated 12th June 1861 (vide para 32) whether such parties be composed of men specially entertained with the sanction of Deputy Inspector General under clause 16 of the rules* of the Inspector General of Police dated December 1860, or whether they be drawn from the force in reserve. The District Superintendent will defray all proper or authorized charges on account of such Special Police parties, and bring the same into the accounts of the General Police Fund.—*Ibid, para.* 45.

Special Police parties to be charged for in full.

1616. The accounts of the General Police Fund will be kept under the following Headings :—

Headings of the General Police Fund.

1 Municipal

2 Cantonment

3 Jail

4 Guards escorts and Special Police parties under Sections 13, 14 and 15, Act 5 of 1861.

5 Processes, and rewards and forfeitures under Sec. 41 Act 5 of 1861.

6 Savings of Establishment.—*Ibid, para.* 46.

1617. A daily Ledger account will be kept by District Superintendents. All sums received will be entered at the time of receipt, and all sums expended at the time of paying the same.. A monthly account will be dispatched by each District Superintendent to the Deputy Inspector General, on the 1st day of each month (not being a sunday) and a quarterly account will be furnished by each Deputy Inspector General to the Inspector General, on the 10th day of August, November, February and July for the preceding quarters, ending the last day of July, October, January, and April. —*Ibid, para.* 47.

Daily Ledger account to be kept by District Superintendent.

Mothly account to be despatched on the 1st of each month.

Quarterly account to be submitted by Deputy Inspector General.

1618. Half-yearly accounts will be rendered by the Inspector General of Police to the Secretary to Government for each half year, ending with 31st October and 30th April.—*Ibid, para.* 48.

Half yearly account to be rendered by Inspector General to Government.

1619. The monthly accounts rendered by the District Superintendent, will be in full detail, showing every receipt and every disbursement under each heading of account, and the balance in deposit at the close of the month.—*Ibid, para.* 49.

Monthly accounts.

* These rules have been embodied in this resolution and in the Police Manual N. W. P. consequently they have not been given separately.

1620. General Police Fund Account for the District for the——————ending

RECEIPTS.	Rs.	As	Pie	EXPENDITURE.	Rs.	As.	Pie.
Date. Account Municipal				Date. Account Municipal...			
Cantonment				Cantonment... ..			
Guards,escorts,and				Guards, escort, and			
Special Police ...				Special Police ...			
Jail.....				Jail..			
Processes..				Processes..			
Savings of Esta-				Savings of Esta-			
blishment...				blishment..			
				Total...			
Total..				Balance in hand..			
				Total.....			

Govt. Res. No. 767 *A, 2nd July* 1861. *Form No.* 12 *Appendix No.* 9 *N. W. P.*

Quarterly account of the Deputy Inspector General and half yearly account of Inspector General.

1621. The Quarterly account of the Deputy Inspector General will give the total of receipt and expenditures under each heading of account for each District; and the half-yearly account of the Inspector General will exhibit the same totals for each Deputy Inspector General's Circle.—*Ibid, para.* 50.

District superintendent to deposit balance at close of month.

1622. The Inspector General of Police will direct, that at the close of each month, each District Superintendent shall deposit, in the Government Treasury, the balance standing to the credit of the General Police Fund of his District.—*Ibid, para.* 51.

Inspector General to take orders for disposal of balance yearly.

1623. In submitting the accounts of the General Police Fund of the six months, ending on the 30th April, the Inspector General will take the orders of the Government, as to the disposal of the aggregate balance, standing to the credit of the Fund of the entire General Police District.—*Ibid, para* 52.

SECTION IV.

SPECIAL POLICE OFFICERS.

Special Police Officer.

1624. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the Inhabitants and the security of property in the place where such unlawful assembly, or riot, or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such Police Officer may require to act as Special Police Officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.—*Act V. of* 1861, *sec.* 17.

1625. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary Officers of Police.—*Ibid, sec.* 18.

Powers of Special Police Officers.

1626. If any person being appointed a Special Police Officer as aforesaid shall, without sufficient excuse, neglect, or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience. —*Ibid, sec.* 19.

Refusal to serve as special Police Office.

SECTION V.

VILLAGE POLICE AND POLICE APPOINTED UNDER ACT XX. OF 1856.

1627. The provisions of this Act shall have effect in the cities and stations in which regulation XXII. 1816 has heretofore been in force, and in every other city, station, town, suburb and Bazar in the presidency of Fort William in Bengal to which the Local Government at any time may extend the same by Notification in the Official Gazette. Provided always, that this Act shall not be extended to any city, town, or bazar, unless there be therein (or in some other city, town, suburb, or bazar with which the same may be united as herein after provided) a Police Station under an Officer of a grade not below that of Jemadar; nor to any agricultural village. —*Act XX.* 1856, *sec.* 2.

To what places the Act is to apply.

1628. The Government may, by notification to be published in the Official Gazette, unite, for the purposes of this Act, any city, town, suburb, station, or bazar, or any part or parts of a city, town, suburb, station, or bazar ; with any other city, town, suburb, station, or bazar, or part or parts of a city, town, suburb, station, or bazar ; and in such case all the provisions of this Act applicable to a city, town, suburb, station, or bazar shall apply to such union.—*Ibid, sec.* 3.

Unions may be formed.

1629. For the purposes of this Act the Local Government may define and declare the limits of any city, town, suburb, station, bazar or union, and all occupiers of houses within any such city, town, suburb, station, bazar or union, as aforesaid, or within such limits as shall be so defined as aforesaid, shall be liable to be assessed or rated according to the provisions of this Act for the purpose of maintaining the Chokeedars appointed to be maintained in such city, town, station, suburb, bazar or union.—*Ibid, sec.* 4.

Government may define limits of cities, towns, &c.

1630. If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.—*Ibid, sec.* 5.

Houses let to lodgers how to be assessed.

1631. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or mohullah for the purpose of indentifying such house ; and if any person shall willfully remove, obliterate, or destroy such name or number, he shall be liable, on conviction by a Magistrate, to a fine not exceeding twenty Rupees.—*Ibid, sec.* 6.

Penalty for removing &c name of street or number of house

1632. The Magistrate shall determine the number of Chokeedars to be maintained in any city, town, or other such place as aforesaid ; but the number of Chokeedars so to be maintained shall not exceed one to every twenty-five houses.—*Ibid, sec.* 7.

Magistrate to determine number of Chokeedars.

Grades and wages of Chokeedars

1633. The Chokeedars appointed under this act may be of different grades, and the wages to be paid to the several grades shall be determined by the Magistrate.—*Ibid, sec.* 8.

Minimum wages 4 Rupees a month.

1634. The rate of wages of no grade is to be less than four rupees per mensem.—*C. O. Government Bengal No.* 42, *January* 5, 1857.

Magistrate to determine the sum to be raised annually.

1635. The Magistrate shall determine the total amount required to be raised in any year in any city, town, or other such place as aforesaid, for the purpose of maintaining the Chokeedars appointed to be maintained therein, and for the purposes specified in Sections 33, 34, 35, and 36, of this Act, together with such sum, as the Magistrate may consider necessary to provide against the contingency of losses from defaulters in the current year, and the amount of losses, if any, actually sustained from defaulters in the preceding year.—*Act. XX.* 1856, *sec.* 9.

Nature of the tax to be levied.

1636. The tax to be levied in any city, town, or other place as aforesaid, for the purposes of this Act, may be either an assessment according to the circumstances and the property to be protected of the persons liable to the same, or a rate on houses and grounds according to the annual value thereof. The Local Government, on the report of the Magistrate and Commissioner of Circuit, shall determine in each case whether the tax to be levied shall be such assessment or such rate.—*Ibid, sec.* 10.

Limitation of tax.

1637. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the aggregate sum to be raised by such tax shall not exceed the average rate of two annas per mensem for each house, and the amount assessed in respect to any one house shall not be more than the pay of a Chokeedar of the lowest grade. If the Tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof —*Ibid, sec.* 11.

Rate how to ascertained.

1638. For the purpose of making a rate under this Act, the annual value of the houses and grounds liable to the rate shall be computed and ascertained upon an estimate of the gross annual rent at which the same might reasonably be expected to let from year to year. Grounds used for purposes of trade shall be liable to the rate, but grounds used for the purpose of cultivation or for depasturing Cattle shall not be liable.—*Ibid, sec.* 12.

Magistrates may exempt occupiers unable to pay the assessment or rate

1639. The Magistrate may, at his discretion, exempt from the assessment or rate, or may relieve from the payment of his assessment or rate, any occupier who may be unable from poverty to pay the same.—*Ibid, sec.* 13.

Constitution of punchyats

1640. For the purposes herein after mentioned the Magistrate shall constitute and appoint a punchayat for each such city, town, or other place as aforesaid; or, when he may see fit to divide any such city, town, or place into convenient divisions, for each division thereof; and shall issue a sunnud of appointment, specifying the names, residence, business, or other description of the persons appointed and the period for which the appointment is made. Every punchayat shall consist of three or five respectable persons residing or carrying on business in or near to any such city, town, or other place, or in or near to any such division thereof. Provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the punchayat, notwithstanding such person may not reside or carry on business in or near to such city, town, or other place, or in or near to any such division thereof.—*Ibid, sec.* 14.

Magistrate may appoint person not residing in the place to be a member of punchayat.

Duties of Punchayat

1641. The Punchayat so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment or rate upon the several persons liable to be assessed or rated in respect of their occupation or property within the district (whether city, town, or other place as aforesaid, or any division thereof) for which the Punchayat shall be appointed, and enter the same in a list which shall specify the names of the several occupiers of property within the dis-

trict liable to be assessed or rated under the provisions of this Act, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier. If the tax be a rate on the annual value of the property occupied, such annual value and the total amount of the annual rate shall also be specified. The Requisition of the Magistrate to the punchayat to make out such list shall be* in the form marked A or B as the case may be set forth in the appendix to this Act annexed or to the like effect.—*Act XX.* 1856, *sec.* 15.

Form of Magistrate's requisition.

APPENDIX A.

*To

(*Here insert the names, places of abode, business or other description of the punchayat*)

I do hereby require you the Punchayat appointed under Act XX. of 1856, with all reasonable expedition, not exceeding (*Here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the Zillah of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings, in the (*Here describe the city, town, place, or division*) for the purpose of raising the sum of rupees ——— required for the maintenance of Chokeedars for the year commencing on———, and other expenses authorized by act XX. of 1856. You shall regulate and determine the ammount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees———, (*Here insert the pay of a Chokeedar of the lowest grade*) and the aggregate amount assessed shall not exceed the average rate of 2 annas per mensum for each house, shop or building in the district.

If the occupier of any house in the said district shall be unable on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier shall be specified in the list, together with the ground of exemption·—

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons, or lodgers, or travellers shall be deemed the occupier of such house, and shall be assessed accordingly —The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade or business, or other description of the person assessed, the annual assessment and the quota payable monthly, and may be in the following form, or to the like effect.

Property occupied.	Name of occupier.	Profession or business or other description.	Amount of monthly payment

APPENDIX B.

To

(*Here insert the names, places of abode, business or other description of the punchayat,*)

I do hereby require you, the punchayat appointed under Act XX. of 1856 with all reasonable expedition, not exceeding (*Here insert a period to be fixed by the Magistrate*) from the date hereof to make out and forward to me the undersigned Magistrate of the Zillah of , a fair and equal rate upon the several occupiers of houses, shops, and buildings, and of grounds occupied for the purpose of trade or business, in the (*Here describe the city, town, place or division,*) for the purpose of raising the sum of Rs. , required for the maintenance of Chokeedars for the year commencing on , and other expences authorized by Act XX. of 1856. You shall regulate and determine the amount of the rate to be levied from every such occupier according to the annual value of the property occupied.

The rent at which any such property may reasonably be expected to let for one year shall be deemed the annual value of such property, the rate shall be an equal per centage, not exceeding 5 per cent, of such annual value.

Any person occupying ground for the purpose of trade is to be rated in respect thereof, but a person occupying ground for the purpose of cultivation or for depasturing cattle is not to be rated in respect thereof.

If the occupier of any house or ground, in the said district, shall be unable on the ground of poverty, to pay the rate to which he is liable under this Act, you shall exempt him from the same; but property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house and shall be rated accordingly.—

The rate which you are hereby required to make shall specify the name of every occupier of property liable to be rated, the name, and the trade or business, or other description of the person rated, the annual rateable value of the property, the annual rate and the quota payable monthly; and may be in the following form or to the like effect:

Property occupied.	Names of occupier.	Profession or business or other description.	Annual value of property.	Annual rate.	Amount of monthly payment.

1642. The punchayat shall, if required by the Magistrate so to do, instead of making a new assessment or rate, revise and amend the assessment or rate then in force.—*Act XX.* 1856, *sec.* 16.

Punchayat may revise existing assessment or rate.

1643. When an assessment or rate shall have been made or revised, as the case may be, the punchayat shall forward to the Magistrate the list containing the same; and the Magistrate shall revise, and, if necessary, amend and settle it.—*Ibid sec.* 17.

Magistrate may amend and settle assessment or rates as revised by the Punchayat.

1644. When the assessment or rate shall have been settled, the Magistrate shall sign the list and shall cause one copy thereof, together with a notification prepared according to the form marked C* in the appendix to this Act or to the like effect and written in the language of the Province in which the city, town, or place is situate, to be stuck up in some conspicuous place in the district for which the assessment or rate has been made; and another copy, together with a like notification at the nearest Police Thana; and shall also cause a third copy to be deposited in his own Office.—*Ibid, sec.* 18.

* An assessment (*or rate as the case may be*) made for (*Here describe the city, town, village or other place or division for which the rate is made*) upon the several occupiers of houses and other property in the said district, pursuant to Act XX. of 1856, for the purpose of maintaining Chowkcedars for such district.

Property occupied.	Names of occupiers.	Profession or business.	Amount of monthly (or quaterly) assessment or rate.

Whereas the assessment (*or rate as the case may be*) has been duly made pursuant to Act XX. of 1856 and has been revised and settled by me, the undersigned magistrate of , the several persons whose names are included in the said assessment (*or rate*) are hereby required to pay the monthly (*or quarterly*) contributions set opposite to their names with regularity to the Tax-darogah or other person appointed by the Magistrate to receive the same, the first payment on the 10th day of the month next succeeding the date of this notification, and every subsequent payment on or before the 10th day of each succeeding month (*if the tax is to be collected quarterly* the months in which the payment is to be made must be specified); or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed (*or rated*) and such other proceedings adopted for the recovery of the same as are allowed by law :—

Dated this day of

Magistrate of

—*Act XX.* 1856, *Appendix C.*

Assessment or rate to stand good for one year. Change of occupation before new assessment or rate.

1645. Unless revised or corrected as herein after provided, every assessment or rate under this Act shall stand good for one whole year, and until a new one is made; and in case the occupier of any property included in any assessment or rate shall be changed before a new one is made, the new occupier shall be liable in respect of such property for any portion of the assessment or rate which shall have become payable during his occupation instead of the former occupier thereof; and, after notification to such person, the magistrate may cause his name to be substituted in the said list for the name of the former occupier. Every assessment or rate which shall be revised according to the provisions of Section 16 shall be deemed a new assessment or rate. Provided always, that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be re-published according to the provisions of Section 18, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding Section.—*Act* XX. 1856, *sec.* 19.

Revised assessment or rate to be deemed a new one.

Proviso.

Appeal from assessment or rate.

1646. Any person assessed or rated, who shall be dissatisfied with his assessment or rate, or who shall dispute his occupation of any property or his liability to be assessed or rated, may appeal on unstamped paper to the Magistrate, and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or rate or amend the same. In case the Magistrate confirm the assessment or rate, he may award costs against the appellant. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment or rate, nor shall the liability of any person to be assessed or rated be questioned, in any other manner or by any other Court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment or rate prescribed by Section 18, or of the notification of the substitution of the name of an occupier under Section 19, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal —*Act XX.* 1856, *sec.* 20.

Limitation of appeal.

Commissioner of Circuit may direct revision of assessment or rate.

1647. The Commissioner of Circuit, with the consent of the Local Government, may, at any time, direct the Magistrate to revise the assessment or rate of any city, town, or other place as aforesaid, specifying the reasons which, in his opinion, render such revision necessary; and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.—*Ibid, sec.* 21.

Magistrate may direct revision at any time of the year, for reasons to be stated.

1648. The Magistrate may require the Punchayat to revise the assessment or rate at any period during the year; but on every such occasion he shall address a written order to the punchayat, specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.—*Ibid, sec.* 22.

Publication of assessment or rate as revised under the two last Section.

1649. Whenever any assessment or rate is revised during the year, as provided in the two last preceding Sections, a revised list, together with a notification as prescribed in Section 18, shall be prepared and published in the manner therein directed. And all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in Section 20.—*Ibid, sec.* 23.

Penalty for refusal to serve on punchayat.

1650. If any person appointed a member of a Punchayat refuse to undertake the Office. or omit to perfom the duties thereof, and do not, within fifteen days from the date of his appointment, show satisfactory ground for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty rupees. —*Ibid, sec.* 24.

If punchayat refuse or omit to act, Magistrate may assume their functions.

Proviso.

1651. If the persons appointed a Punchayat, or a majority of them, refuse, or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment or rate, and may enforce the same as if it had been made or revised in the first instance by the Punchayat.

Provided that the functions of the punchayat shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this Section.—*Ibid, sec.* 25.

1652. No person shall be bound to act on a Punchayat unless he shall reside or carry on business within the limits of the district for which the Punchayat is to be appointed.—*Ibid, sec.* 26.

Residents only bound to act on a punhayat.

1653. Every punchayat shall be appointed for the period of one year, and no person shall be compelled to serve on a Punchayat for more than one year at a time, or within less than three years after the expiry of previous service; but nothing in this Section shall prevent any person from being appointed to serve on a Punchayat at any time whatsoever with his own consent.—*Ibid, sec.* 27.

Duration of punchayat and limitation of service thereon.

1654. If a majority of the persons assessed or rated in any district, for which a Punchayat shall be appointed, not being in arrear, make application in writting to the Magistrate for the removal of any member of the punchayat appointed for such district, the Magistrate, if he thinks it expedient, may remove such member from the Punchayat .—*Ibid, sec.* 28.

Member of punchayat removable only on application of rate payers.

1655. If any vacancy shall occur among the members of a Punchayat, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may nominate and appoint another person to supply the vacancy or to act in the stead of such member, subject to the rules already laid down as to the original appointment of members; but such appointment may be made by a written communication to the person appointed, and it shall not be necessary to issue a new sunnud under Section 14 of this act.—*Ibid, sec.* 29.

Vacancies in punchayat how to be supplied.

1656. The Punchayat shall give notice to the Magistrate of any neglect or misconduct on the part of any Chokeedar within the district for which they are appointed which shall come to their knowledge; and shall also give notice of any vacancy which shall occur in consequence of the death or absence of any Chokeedar or from any other cause.—*Ibid, sec.* 30.

Punchayat to report misconduct of Chokeedars or death or absence.

1657. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a Sudder Punchayat, consisting of not less than five members, who may be selected either from the members of the Local Punchayats or from any other residents of the city or town. It shall be the duty of the Sudder Punchayat to assist the Magistrate, when required so to do, in carrying out generally the objects of this Act, and particularly in revising the assessment or rate made by the district Punchayats, and enquiring into and reporting on appeals prefered against the same.—*Ibid, sec.* 31.

Appointment and duty of Sudder Punchayats.

1658. The Chokeedars to be employed under this Act shall be appointed by the Magistrate, and the Magistrate shall cause to be kept a register in which shall be entered the name, age, place of residence, and previous occupation of every person so appointed, with the date of his appointment.—*Ibid, sec.* 32.

Appointment and registry of Chokeedars.

1659. Subject to the approval of the commissioner of Circuit, the Magistrate may appoint such number of Jemadars and Inspectors as may be necessary for the supervision and control of the Chokeedars. Provided that the number of these officers shall not be greater than one Jemadar to fifteen Chokeedars, and one Inspector to sixty Chokeedars.—*Ibid, sec.* 33.

Appointment of Jemadars and Inspectors.

1660. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint one or more Tax Collectors or Darogahs and such other servants as may be necessary for preparing, or assisting the Punchayat in preparing, the assesement or rate, for copying the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Act. The Magistrate shall take from every Tax-collector or Darogah such security for the due disposal of the sums collected by him as may be thought necessary.—*Ibid, sec.* 34.

Appointment of Tax-collectors and other establishment.

Contingent expences.

1661. The Magistrate may further incur any reasonable expense in the purchase of stationery, in providing badges, dresses, and weapons for the Chokeedars, and for any other contingencies that may seem to him necessary.—*Ibid, sec.* 35.

Surplus funds may be devoted to conservancy purpose.

1662. After paying the wages of the Chowkeedars, and defraying the charges specified in the three last preceding sections of this Act, the Magistrate may with the sanction of the Commissioner of Circuit, appropriate any sum which may be available, to the purposes of cleansing the city, town, or place, or of lighting or otherwise improving the same.—*Ibid, sec.* 36.

Tax-darogah to prepare assessment lists.

1663. The Tax-darogahs shall prepare, from the lists hereinbefore mentioned, a register, which shall be attested by the Magistrate or his Deputy or Assistant, and shall contain the names of all persons assessed or rated so far as they can be ascertained, the property in respect of which the assesment or rate in each case is imposed, and the amount payable monthly by each person.—*Ibid, sec.* 37.

Tax-darogah to collect assessment.

1664. On the tenth of each calender month, or so soon after as possible, the Tax-darogah shall proceed in person or through some one of his Office establishment, to collect the amount due for the current month from each person subject to the tax ; and for all sums so collected the Darogah shall grant a receipt. Provided that, with the sanction of the Commissioner of Circuit previously obtained, the collection may be made quarterly instead of monthly ; and in such case, the amount due for each quarter shall be collected in the last month of that quarter.—*Ibid, sec.* 38.

To remit collections to the Magistrate.

1665. The Tax-darogah shall remit to the Magistrate, in such manner as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment ; and the Magistrate, or some Officer of his establishment authorized on that behalf, shall give the Darogah a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to a separate fund to be called the Chokeedarce Fund of the city, town, or place, in or on account of which they are collected.—*Ibid, sec.* 39.

To prepare summons, &c.

1666. The Tax-daroga shall prepare all summons and processes to be issued against defaulters, and shall make the usual returns, thereto, and shall keep a regular account of all distresses levied and sales made by him for the realization of arrears.—*Ibid, sec.* 40.

To report defaulters to Magistrate.

1667.—On the 20th of each calender month, or so soon after as possible, the Tax-darogah shall deliver or transmit to the Magistrate, in one list, a statement of all defaulters, the property in respect to which they are assessed or rated, the amount of the monthly assessment or rate, and the amount due from each.—*Ibid, sec.* 41.

Summons to defaulters.

1668. On receipt of the aforesaid list, the Magistrate shall issue a summon against each of the defaulters therein mentioned, requiring him either to pay the demand or to attend at the Cutchery of the Magistrate within a reasonable time, to be specified in the summons, to show cause for his refusal.—*Ibid, sec.* 42.

Assessment to be levied from defaulters by distress and sale.

1669. If any defaulter fail to appear in answer to the summons, or having appeared fail to satisfy the Magistrate that no arrear is due from him, the Magistrate may issue warrant to the Tax- darogah, authorizing him to levy the whole or any part of the demand by distress and sale of any goods and chattels belonging to the defaulter, or being at any time upon the premises in respect of which the arrear is due ; and the Magistrate's order as contained in the warrant shall be final.—*Ibid, sec.* 43.

Sale how to be conducted.

1670. The Tax-darogahs shall make an inventory of all goods and chattles seized under the Magistrate's warrant, and shall give previous notice of the sale, and the time and place thereof, by the beat of drum in the district in which the property is situated. If the arrear be not paid with costs, or the warrant be not in the meantime discharged or suspended by the Magistrate, the goods and chattles seized shall be sold at the time and place specified, in the most public manner

possible and the proceeds shall be applied in discharge of the arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The Tax-darogah shall make a return of all such ales to the Magistrate in the form specified in appendix D* and the cost upon every such proceedings shall be such as are mentioned and set forth in appendix E† annexed to this Act.—*Ibid, sec.* 44.

Proceeds how to be applied.

Returns of Sale Costs.

*APPENDIX D.

1	2	3	4	5	6	7	8	9	10	11
District.	Names of defaulters.	Amount of defalcation.	Amount of costs, or penalty.	Inventory of property seized under distress.	Date of distress.	Date of sale.	Property sold.	Amount realized on each article.	Purchaser's name.	Balance.

†APPENDIX E.

Table of Fees payable in distraints under this Act.

SUM DISTRAINED FOR			FEES.	
			Rs.	As.
Under 1 Rupee			0	4
1	and under 3	Rupees	0	8
3	„ 5	„	1	0
5	„ 10	„	1	8
10	„ 15	„	2	0
15	„ 20	„	2	8
20	„ 25	„	3	0
25	„ 30	„	3	8
30	„ 35	„	4	0
35	„ 40	„	4	8
40	„ 45	„	5	0
45	„ 50	„	5	8
50	„ 60	„	6	0
60	„ 80	„	7	8
80	„ 100	„	9	0
Above	100	„	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case 3 annas must be paid daily for each man.

Penalty for Tax-darogah, &c. purchasing at such sale.

1671. Any Tax-darogah or other servant appointed under this Act, and any Chokeedar or Officer of Police, who shall purchase any property at any such sale as aforesaid, shall be liable, upon conviction before a Magistrate, to a penalty not exceeding 50 Rupess and the property shall be confiscated.—*Act* XX. 1856, *sec.* 45.

Sale of property beyond limits of town, &c.

1672. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the district in which the premises are situate, the Magistrate may issue his warrant to the nazir of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the Jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever; and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.—*Ibid, sec.* 46.

All goods found on premises liable to sale, but owner of goods to be indemnified by the defaulter.

1673. All goods and chattels, except tools or implements of trade, which may be found upon any premises in respect of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattles belong to any person other than the defaulter, the defaulter shall indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no distress shall be made for any arrears due under this Act after the expiration of six calender months from the time when such arrears became due.—*Ibid, sec.* 47.

Penalty for obstructing Tax-darogah in the execution of duty.

1674. Every person who shall willfully obstruct or molest any Tax-darogah or any of his establishment, in the performance of their duties under this Act, or shall fradulently conceal, remove, or dispose of any of his property for the purpose of avoiding a distress under the provisions of this Act, or shall knowingly assist any other person in so doing, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees.—*Ibid, sec.* 48.

Magistrates to try complaints against Tax-darogahs of extortion.

1675. The Magistrate shall receive and try all complaints preferred on oath or solmen affirmation against any Tax-darogah or other person appointed under this Act for extortion, malversation or other misconduct in the discharge of his duty. On proof of any such offence, the Tax-darogah or other person as aforesaid shall be liable to dismissal from Office, and to imprisonment, with or without labor, for a period not exceeding six months; and may also be compelled to refund any money corruptly or unduly exacted or received, and to deliver up any effects which may have been illegally distrained or sold, or the value thereof, or in defult and until such delivery or refund be made, shall be liable to further imprisonment, with hard labor, for not more than six months. But nothing in this section shall be taken to prevent the Magistrate from committing any Tax-darogah or other person as aforesaid for trial before the Sessions Court, or to limit the power of the Sessions Court in regard to the punishment of such offences under the General Law.—*Ibid, sec.* 49.

Penalty for extortion, &c.

Proviso.

Powers, duties, and liabilities of Chokeedars, Jemadars and Inspectors.

1676. The Chokeedars, and the Jemadars and Inspectors appointed under this Act shall exercise all the powers, and perform all the duties, and be subject to all the liabilities of Police Officers as prescribed in the general regulations of the Bengal Code or Acts of the Government of India for the time being in force, so far as such powers, duties, and liabilities are not inconsistent with, or otherwise expressly provided for by this Act. The Chokeedars, and the Jemadars, and Inspectors, are in all respects subordinate to the Police Darogah of the Thana, within the limits of which they may be employed.—*Ibid, sec.* 50.

Chokeedars to wear badges.

1677. Every Chokeedar appointed under this Act shall wear a badge with a number, and the name of the city, town, place, or division for which he is appointed, engraved thereon.—*Ibid, sec.* 51.

1678. *First.*—Every Chokeedar and every Jemadar and Inspector appointed under this Act shall have power, without warrrant, to apprehend and convey immediately to the nearest Police Station any person or persons taken in the act of committing any heinous offence, or whom he shall have just cause to suspect to be about to commit or to have committed a heinous offence, or against whom a hue and cry shall be raised. *Second.*—He shall have power to prevent obstructions and nuisances on the roads and streets. *Third.*—He shall give immediate intelligence to the Police-darogah of the resort to his division of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected character, or of any circumstances likely to occasion a breach of the peace. *Fourth.*—He may stop, examine, and, if necessary, detain, any person who shall be reasonably suspected at any time of having or conveying any thing stolen, or who shall be found between sunset and sunrise lying or loitering in any highway, yard, or other place, and unable to give a satisfactory account of himself, and may convey such person to the nearest Police Station.—*Act XX.* 1856, *sec.* 52.

Duties of Chokeedars. To apprehend offenders. To prevent nuisances. To give intelligence of resort of thieves, &c. To examine and detain suspected persons.

1679. If a Chokeedar or other Police Officer be unable to effect an arrest, he may require all persons present to assist him; and any person who refuses or neglects to comply with such requisition, shall be liable, on conviction by a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment not exceeding two months.—*Ibid, sec.* 53.

All persons required to assist Chokeedars in making arrests.

1680. On the fifteenth day of each month, or on such other day not later than the fifteenth day of the month as the Magistrate may appoint, the Chokeedars and Jemadars and the Inspectors (if any) shall be mustered at the Thana to which they are attached, and the Police-darogah or the mohurir of the thana shall there pay them the wages due to them up to the close of the preceding month, and shall at the same time take the receipt of each Chokeedar in an official register of receipts prepared for the purpose; and the Darogah, after signing the register in attestation of its correctness, shall transmit the same to the Magistrate.—*Ibid, sec.* 54.

Chokeedars, &c. how to be paid.

1681. Any Chokeedar and any Jemadar or Inspector appointed under this Act, who is convicted of neglect of duty or misconduct, shall be liable to fine to an extent not exceeding half a month's wages, or to imprisonment for any period not exceeding six months.—*Ibid, sec.* 55.

Punishment of Chokeedars for neglect of duty, &c.

1682. The Magistrate may suspend or dismiss any officer appointed under this Act whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.—*Ibid, sec.* 56.

Suspension or dismissal of Police Officers

1683. All fines levied under this Act shall be credited to the Chokeedarce Fund, and held available for the purposes of this Act.—*Ibid, sec.* 57.

Fines how to be disposed of.

1684. Assistants to Magistrates vested with special powers, and Deputy Magistrates vested with special powers, when posted at stations other than the sudder station of the Magistrate, and empowered, under Act X. of 1854 to try cases without reference from the Magistrate, may exercise all the powers hereby vested in a Magistrate; and any Assistant or Deputy Magistrate vested with special powers may perform any of the duties hereby assigned to a Magistrate when referred to him by the Magistrate to whom he is subordinate.—*Ibid, sec.* 58.

Jurisdiction.

1685. All the proceedings of a Magistrate, under this Act, except as otherwise specially provided, shall be subject to the control of the Commissioner of Circuit; and all the proceedings of the Commissioners of Circuit shall be subject to the control of the Local Government.—*Ibid, sec.* 59.

Proceedings of Magistrate and Commissioner of Circuit respectively subject to control of Local Government.

1686. Nothing contained in this Act shall extend to the Town of Calcutta.—*Ibid, sec.* 60.

Act not to apply to Town of Calcutta.

Interpretation of Act.

1687. Wherever in this Act or in any Appendix thereto, there is nothing in the context requiring a different interpretation—the word "Magistrate" shall include a joint Magistrate, and any person lawfully exercising the powers of a Magistrate: the word "House" shall include any shop or ware-house. The word "Bazar" shall mean any place of trade where there is a collection of shops or ware-houses: the word "District" shall mean a city, town, bazar, or union, or any division thereof; the expression "Police-darogahs" shall include any Tusheeldar or Naib-Tusheeldar entrusted with Police jurisdiction.—*Act XX.* 1856, *sec.* 61.

Village Chokeedars.

Darogahs to keep up register of Chokeedars, Land-holders, &c. to nominate in case of vacancy.

1688. It is the duty of the Darogahs, under the guidance and instruction of the Magistrate, to keepup at their Thanas a complete register of the village watchmen and gaurds employed within their respective limits, and upon the death or removal of any of the watchmen, the land-holders and other persons, to whom the right of nomination to such vacancies belongs, are to send the names of the persons, whom they appoint, to the Darogah of the Jurisdiction, that they may be registered by him as above directed.*—*Reg.* XX. 1817, *sec.* 21, *cl.* 1.

All persons employing watchmen or guards are required to furnish an annual list of them to the Magistrate.

Penalty in cases of neglect or wilful omission.

1689. For the more complete formation of the above Register, and to enable the Magistrates at all times to ascertain what number and descriptions of watchmen and guards are maintained in aid of the Police throughout their respective jurisdictions, every land-holder, farmer, merchant or other person, employing *paiks, chokeedars, pasbans, nighabans, burkundazes* or any other description of watchmen or guards, is to transmit, in the first month of each succeeding Bengal, Fussily, or Willaity year (according to the era current in the district) made up to the last day of the preceding year, a list thereof, specifying the names, occupations, places of residence, and allowances in land or money, of the several persons entertained by them, to the Magistrate of the Zillah or City in which they are employed. Any neglect to furnish such lists (especially after being called upon by the Magistrate) as well as any wilful omission to include in them, persons actullaly employed as guards or watchmen of any denomination, is liable to a fine to Government not exceeding two hundred Rupees, to be determined by the Magistrate according to the situation of the party and circumstances of the case.—*Reg.* XII. 1807, *sec.* 21.

Lists to be furnished of all private servants employed as guards, &c.

1690. All private servants employed as gaurds, watchmen, &c., come within the rules of Section 21, Regulation 12, 1807. The Magistrates are carefully to enforce the provisions of that law, taking care that the lists required are regularly given in to themselves, as well as to the Assistants or Deputy Magistrates in charge of sub-divisions.—*C. O. Superintendent of Police L. P. No.* 3, *29th May*, 1847.

Fine how to be levied and from whom.

1691. Any fine imposed in conformity to the above provisions should be commuted, if not paid within a given time, to imprisonment for a limited term. In the absence of the zemindar, the actual manager of the estate is the responsible person, and should be proceeded against in default of compliance with the above requisition.—*Cons. No.* 1150.

Chokeedars are subject to Darogahs.

1692. The village watchmen are subject to the orders of the Darogahs.—*Reg.* XX. 1817, *sec.* 21, *cl.* 2.

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* Under this rule the Calcutta Court held that there is a legal obligation on Zemeendars, or other persons to whom the right of nomination belongs, to nominate Chokeedars. But as the right of nominating Chokeedars is not vested by law in any particular party, that question must be decided by local custom. It was also held that there is no penalty prescribed in, the law by which a Magistrate can punish any person for not appointing a Chokeedar; and that therefore he cannot award any punishment under his general Powers.—*Reports L. P.* 1854, *part* 2, *page* 175.

1693. Under the above provision, Chokeedars cannot be considered in the light of Zemindar's servants.—*Cons. No.* 1281.

Chokeedars are not Zemindar's servants.

1694. All occurences reported by the village watchmen are to be recorded by the mohurir in the Thana diaries.—*Reg. XX.* 1817, *sec.* 21, *Cl.* 4.

Reports of Chowkeedars to be entered in Thana diaries.

1695. The village watchmen are to apprehend and send to the Darogah, or other Police Officer presiding at a thana, any person who is taken in the act of committing murder, robbery, house-breaking, or theft; also proclaimed offenders, and persons against whom a hue and cry has been raised of their having been concerned in a recent criminal offence. It is further the special duty of the village watchmen to convey to the thana immediate intelligence of any robbers, who have concealed themselves in their respective villages or in the adjacent country; and also of any vagrants, or other persons who are lurking about the country without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. It is likewise the business of the village watchmen to convey early intimation to the thana of all murders, robbers, burglaries, thefts, violent affrays, and other heinous offences, perpetrated in the villages or places in which they are stationed.—*Reg.* XX. 1817, *sec.* 21, *Cl.* 5.

Duties of Chokeedars in regard to the apprehension of offenders and conveying intelligence to the Thana.

1696. The report of the village watchmen to the Police Officers of the regular establishments is to be made verbally; and they are not, to be sworn to their depositions at the thana, or to be detained at the thana, or sent into the Magistrate's Court, unless on account of misconduct, or under the special orders of the Magistrate.—*Ibid, Cl.* 6.

Reports to be received verbally, and Chokeedars not to be detained or sent to the Magistrate.

1697. The Darogahs are invariably to ascertain and report, when making enquiries on the occasion of any robbery, burglary, or theft, the conduct of the village watchmen; whether they were present at their posts when the offence was perpetrated; if not, the cause of their absence, and whether there is reason to believe that they were themselves concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a village watchman, the Darogah is either to send the individual to the Magistrate with a separate report of the grounds of the charge exhibited against him and evidence to establish the same, or is to forward a report in the first instance and wait the instructions of the Magistrate, as the nature of the alleged offence dictates. In the event of any gross neglect or misconduct in the discharge of his duty, as a Police Officer, being established against a village watchman, he is liable to dismission from his station by order of the Magistrate, independently of any punishment to which he is subject for specific acts of criminality under the laws and regulations in force.—*Reg.* XX. 1817, *sec.* 21, *Cl.* 7.

Darogahs are to enquire into the conduct of the Chokeedars.

How to proceed in cases of neglect or suspicion of criminality.

Punishment.

1698. Chokeedars cannot be fined for neglect of duty without a judicial enquiry. Conviction and punishment can only follow proof of the offence; and therefore the neglect charged must be established by evidence. Appeals in such cases be to the sessions judge, and not to the superintendent of Police.—*Reports L. P.* 1855, *Part* 2, *Page* 192, *and* 1856 *Part* 1, *Page* 907.

Chokeedars cannot be punished without judicial enquiry.

1699. The Darogahs or other Police Officers are prohibited, under penalty of dismission from office, from employing the village watchmen on their private concerns, or on any duties unconnected with the Police.—*Reg.* XX, 1817, *sec.* 21, *Cl.* 8.

Chowkeedars are not to be employed privately by Police Officers.

1700. In those Towns and Villages, where the Darogahs of the Muffusil Police jurisdictions, or the officers of out posts, are stationed, the duties of watching and patrolling are to be performed conjointly by the regular Police Officers and the village watchmen; and private watchmen entertained by individuals for guarding their habitation, shops or ware-houses, are also to afford their assistance, and are to be considered subject, in the performance of this duty, to the orders of the Police Darogah of the station.—*Reg.* XX. 1817, *sec.* 21, *Cl.* 9.

Duties of patrolling in places, where regular Police establishments are stationed.

Chokeedars are to resist offenders to the utmost of their ability and to require the head men of the villages to assist them.

1701. On the occurence of a gang or high-way robbery, or any robbery by open violence murder, burglary or theft attended with wounding, or any other heinous offence attended with a violent breach of the peace, the village watchmen are, to the utmost of their ability, to resist and endeavour to apprehend the offenders, and are to require the head men of the village to collect the inhabitants, and to oppose and seize the criminals, or to pursue them if they have fled; and it is incumbent on the inhabitants of the vallages through which or near to which the pursuit lies, to afford, on the requisition of the village watchmen or other Police Officer, every practicable assistance towards the apprehension of the robbers or other offenders, and the recovery of any property stolen or plundered by them, continuing the pursuit from village to village. Any headman or watchman of a village, who is convicted before the Magistrate of will ful inattention to such requisition is liable to fine and imprisonment not exceeding the limits prescribed by Section 19, Regulation IX. 1807, now repealed.—*Reg.* XX. 1817, *sec.* 21, *Cl.* 10.

Punishment of such in case of refusal

Police not to interfere to procure the payment of Chowkeedar's Wages.

Mundles, &c., are not to be compelled to keep watch.

1702. Any interference on the part of the Police Officers, either with or without the orders of the Magistrate to procure the payment of wages said to be due to the village Chokeedars is illegal. It is also illegal to compel the mundles and ryots to keep watch or to go the rounds during the night within their respective villages: and Police Officers are required to refrain from such acts under pain of severe punishment.—*C. O. Sup. Pol. L. P. No.* 14, 21*st October* 1839 *and No.* 8, 23*rd April* 1841. *Govt. order on Police report for the first* 6 *months of* 1838, *page* 230.

Chokeedars crops not exempt from sale in execution of decrees

1703. Crops grown on lands allotted to village chokeedars for their maintenance cannot be exempted from liability to sale, in satisfaction of decrees issued against their owners.—*Const. No.* 1212.

Rules for the establishment of chokeedars in Government Khasmehals.

1704. In khas-mehals under settlement, the Magistrate is to arrange with the local settlement officer for the keeping up and payment of a sufficient number of Chokeedars, it being the wish of Government that the village Police khas-mehals, that is, mehals, the property of government, should be so manned, paid, and organized as to be a mode to all surrounding estates. When the settlement is in progress, the Magistrate is to inform the settlement officer whether the Police are to be provided for in land or money, and what number of individuals is to be provided for in each village. On receiving the information, the settlement officer is to assign three acres of average good land to each Chokeedar, and one acre to each bulahur, if the subsistence is ordered to be given in land; and three rupees a month to each Chokeedar, and one rupee a month to each bulahur, if the subsistence is to be given in money. In the former case, the settlement officer is to cause a statement of the numbers assigned to the fields in the field map and khusrah to be furnished to the Magistrate—*C. O Sup. Pol. L P. No.* 11, 28*th June* 1841, *C. O. S. B. R. L. P. No.* 44, 5*th Dec.*, 1840 *and No.* 18, 19*th June* 1841.

Village Police Officers not to be affected by the rules of Act V of 1861, unless he be enrolled as a Police Officer under that Act.

1705. Nothing in this Act shall affect any Heriditary or other village Police Officer, unless such officer shall be enrolled as a Police Officer under this Act. When so enrolled, such Officer shall be bound by the provisions of the last preceding section. No Heriditary or other village Police Officers shall be enrolled without his consent and the consent of those who have the right of nomination. If any Police Officer appointed under Act XX. of 1856 (*to make better provision for the appointment and maintenance of Police Chokeedars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*) is employed out of the District for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that District.—*Act V.* 1861, *sec.* 21.

Authority of District superintendent of Police over Village Police.

1706. It shall be lawful for the Local Government in carrying this Act into effect in any part of the territorries subject to such Local Government, to declare that any authority which now is or may be exercised by the Magistrate of the District over any village watchman or other village Police Officer for the purposes of Police shall be exercised, subject to the general control of the Magistrate of the District by the District Superintendent of Police.—*Ibid, sec.* 47.

1707. Under the provisions of Section 47 of Act V. of 1861, the Governor General in Council is pleased to declare that any authority which is or may be exercised by the Magistrates (Deputy Commissioners) of Districts in the Central Provinces over any village watchman or other village Police Officers, for the purpose of Police, shall be exercised subject to the general control of the Magistrates (Deputy Commissioners) of Districts by the District Superintendent of Police.—*Notn. Govt. of India No.* 2529, 18*th May* 1862.

Control over village watchmen in central Provinces to be exercised by District Superintendents subject to the general control of deputy Commissioners.

1708. The Lieutenant-Governor is pleased under the authority conveyed by Section 47 Act V. of 1861 to declare that the authority hitherto exercised by Magistrates over village watchmen for the purposes of Police, shall be exercised, subject to the general control of the "Magistrate of the District" by District Superintendent of Police.—*Govt. Res. No.* 767 *A*, 2*nd July* 1861 *para.* 74, *W. P.*

Ditto in the N. W. P.

1709. The village Police must occupy a prominent place in the scheme for the general re-organization of the Police. It has been the basis of Police administration through India, and under proper control and supervision the village Police will prove a most useful auxiliary of the Police constable.—*Police Manual part. I, N. W. P. para.* 115.

Village Police under proper control and supervision will be a most useful auxiliary to police constable.

1710. It is not desirable nor is it now practicable to alter the constitution of this body of men; and as before, they will be nominated by the village proprietor or community according to custom, and will be paid in the same way as provided either at the general land revenue settlement, or by subsequent compact. They will thus continue as before an important link between the village communities and the organized Police.—*Ibid, para.* 116.

Village Police to be nominated by Zemindar and paid as before.

1711. The District Superintendent will have the authority of comfirming or refusing confirmation of the nominees of the village, as well as of dismissing the village Chokeedars in case of neglect —*Ibid, para.* 117.

District Superintendent can confirm or refuse appointment and dismiss village chokeedars.

1712. The village Chokeedar is never to leave the village except for the purpose of giving information of crime, committed or about to be committed. Under the former regulations he was bound to report at the Police Thanah either daily or a certain number of days or week, according to distance, all that occured in the village, whether he had any particular information to give or not. This practice will be discontinued. The Chokeedar will remain in the village to guard and protect the properties of the inhabitants, unless to report any of the following circumstances.

Village chokeedar to remain always at the village and to report only heinous cases to the Police.

The commission of all crimes against person or property, excepting petty assults unattended with injury, trespass, and the like e. g. murders, homicides, assaults with wounding, affrays, suicides, abortion or concealments of birth, rapes, dacoitees, and robberries of all kinds, burglaries, and thefts of all kinds, arson.—*Ibid, para.* 118.

1713. He will give immediate information of disputes likely to lead to breaches of peace, of the advent into or through the village of suspicious characters, or armed-men, of unisances that require removal, of the resorts and habits of bad characters, of all offences committed against the revenue or other state laws, of the movements of any person related to or connected with outlaws or absconded offenders, or escaped prisoners, as well as of all matters connected with the security or the welfare of the village or of the country generally.—*Ibid, para.* 119.

To report breaches of peace suspicious characters nuisances, breach of revenue or other state Laws, &c.

1714. Every endeavour should be made to enlist the Chokeedar in the cause of order. The Police of all grades will treat them with conciliation and courtesy, will see that they get the dues provided for by them either by Government assignment of land, or by custom of village, and will bring to the immediate notice of the Magistrate any alienation of their rights. They will bring specially to notice any act of meritorious conduct entitling them to pecuniary or other reward, and any who may evince particular zeal, courage, or intelligence should be selected as constables in the general Police force. It is probable that a few well selected men of the class would be found very useful in the reserve for employment in detection of crimes.—*Ibid, para.* 120.

Chokeedars to be enlisted to cause of order.

Chokeedars to be thoroughly watched and kept to their duty.

1715. On the other hand, they should be thoroughly watched, worked and kept to their duty. They are mostly members of classes prone to crime, and they will either be valuable auxiliaries to the Police or a permanent menace against property, according as they are brought over to the cause of order by encouragement and support on the one hand, or by strict observation on the other, or according as they are neglected and left to themselves in the performance of duty.—*Ibid, para.* 121.

Forming rural Walks or circles into clusters.

Village Inspector.

1716. The villages of each rural walk or circle should be formed into clusters, a large village having three or more Chokeedars forming the centre of the cluster, one of the Chokeedars of this village should be selected either by election of the people, or of the Chokeedars of the cluster, as village Inspector, with the duty of supervising the Chokeedars of the several villages under him, of noting the villages to see that the duties of the village Police are properly performed, and to collate information of men or events of a suspicious character, the village Inspector being the medium of communication with the constable on duty in the walk.—*Ibid, para.* 122.

Appointment of village Inspector will be valuable.

1717. The position and influences enjoyed by such Inspector would make this appointment valuable, and the gift of a *pugree* once a year, or of a small pecuniary reward as a prize to the most praise-worthy, would probably infuse a proper spirit into the whole body.—*Ibid, para.* 123.

If so Inspector General will recommend rules for their remuneration.

1718. Should this after experience prove to be the case, the Inspector General will recommend the adoption of rules for remuneration of village Inspectors.—*Ibid, para.* 124.

Fund for rewards to village Inspectors.

1719. In the meantime all fines realized form Chokeedars for neglect of duty, all proceeds of village Police land assignments, misappropriated by land-holders and others recovered by Magistrate or District Superintendents may be formed into a fund, and the fund appropriated for rewards to village Inspectors.—*Ibid, para.* 125.

Lists of village Police.

1720. Lists will be formed of all village Police for each Police Station.—*Ibid, para.* 126.

Land assignments to Village Police.

1721. Schedules of land assignments, as made at the settlement, will be framed, and District Superintendent will see, not only that the Police are in possession of the quantity set aside, but also that the quality is that for which deduction was made from revenue assignment, that the land is average good land near the village, yielding an income of not less than 24 Rupees per annum.—*Ibid, para.* 127.

Chokeedars to be paid in full making deductions from their pay to be severely punished.

1722. Whenever the Police are paid in cash, Inspectors of Divisions will see that the Chokeedars get fullpayment of their dues, and any attempt to deduct, or to connive at the deduction of the smallest fraction from such pay, will not only be followed by immediate ignominous dismissal, but such offence will be prosecuted before the Magistrate with greatest rigour.—*Ibid, para.* 127.

SECTION VI.

DUTIES, POWERS, AND JURISDICTION OF POLICE OFFICERS.

General Police District in the N. W. P. to be divided into Districts.

1723. The General Police district comprising the Provinces under his Honor the Lieutenant-Governor of the N. W. P. will be divided into

I Districts.—*Police Manual Part* 1, *N. W. P. para.* 51.

Grades of Police Officers.

1724 The Police force consists of the following ranks, *viz.*

Inspector General,
Deputy Inspector General,
Assistant Inspector General,
District Superintendent,
Inspector,
Chief Constable,
Head Constable,
Constable.—*Ibid, para.* 52.

1725. The Police Force will be divided into.

Division of the Police Force.

1 Districts
2 Divisions,
3 Sub-Divisions,
4 Sections,

Each Sub-Division of Police will consist of

Force of Sub-divisions.

1 Chief Constable,
1 Head Constable,

13 constables one of whom will be employed as writer. Sections will consist of 1 Head and not more than 8 nor less than 4 constables, ordinarily 6 constables.

A division will consist of 2 or more sub-divisions and sections.—*Ibid, para.* 53.

1726. The Deputy Inspector General is the departmental head of Police of two or more districts and the medium of communication with the Inspector General, whose Deputy or Agent he is. His duties are as follows. As departmental head of the Police, he is chief Inspector of the several District Police forces, and should visit the head quarter stations and the principal station houses at least twice a year. He should see that district superintendents train and maintain in efficient order the Police of the district; that all orders are strictly observed; that the subordinate officers and men of force are kept up to the full standard required; that their arms and uniforms are in a serviceable condition; that the diaries and records are properly kept up. He should have an intimate knowledge of the District Superintendents and of every subordinate officer down to to chief constable, in order that he may be able to decide on the propriety of the promotions and nomination of the district superintendent. He should acquire an accurate knowledge of his division and its inhabitants generally, so as to be able to direct and guide the district superintendent on occasions of doubt or difficulty. He will carefully see that the recruits for the force are well selected and properly trained, and that the promotion to the ranks of head constables are made with strict impartiality and from constables qualified for the duty. Promotion to rank of chief constable will require his confirmation, and appointments to Inspector's post must be reported by him for confirmation of Inspector General.—*Ibid, para.* 54.

Deputy Inspector General.

1727. He will on the part of the Inspector General dispose of all matters which do not demand further reference.—*Ibid, para.* 55.

To dispose of matters not requiring further reference.

1728. He is General Accountant of the Police of his division. He will be furnished by district superintendents with monthly Muster Rolls and pay abstracts, statement of fines or stoppages of pay of the district police forces, from which he will make all deduction on account of Superannuation Fund, clothing fund; and of these funds he will be sole accountant, as well as of all contributions to the General Police Fund. He will be the medium of communication with the Superintendent General. All orders from Government will be conveyed through him, and all applications or references must be addressed to him.—*Ibid, para.* 56.

He is General Accountant of his Division.

1729. He will maintain intimate and confidential official relation with the Commissioner of the division and the Magistracy, and endeavour to sustain a cordial reciprocity of good feeling between the judicial and Police Officers of all grades. He will keep himself thoroughly acquainted with all matters indicating the practical efficiency of the Police, and for this purpose require from District Superintendents periodical statements of crime, of property stolen and recovered, and of result of prosecution and detection of criminals.—*Ibid, para.* 57.

To maintain intimate and confidental official relation with commissioner and magistracy.

1730. He will furnish to the Inspector General special detailed reports of all crimes of an extended or systematically organized character, *i e* dacoities, plunder of travellers by administering poisonous drugs, highway robberies, robberies by gangs, as well as of all crimes of a more than ordinarily grave description, or of novelty or general interest, and quarterly returns of crimes as certained to have been committed, of number of persons supposed to have been concerned, of number brought to trial, and of results of rposecution. He will furnish an Annual Report of the Police administration of the several districts

To furnish to Inspector General special detailed reports of heinous crimes and quarterly and annual statements and reports.

under his inspection together with the annual reports of the District Superintendents. His divisional Head-quarters will be at the same Station as the residence of the Commissioner. The Deputy Inspector General will keep the books and make the periodical returns assigned to him in Appendix No. 1.—*Police Manual N. W. P. Part* 1, *para.* 58.

District Superintendent, Position and duty.

1731. The position and duty of the District Superintendent of Police will be that of commandant of the District Police corps. He will be held responsible for all matters relating to its internal economy and management, for the maintenance of its discipline and punctual and regular performance of all its duties, as well as for the general good and orderly conduct of the men employed under him.—*Ibid, para.* 59.

Discipline of the Police Force.

Maintenance of peace and prevention of crime.

1732. He will remember that the Police corps of the district will (as in all bodies of men) be orderly and efficient or the reverse as regulated by him, and he will therefore be judged by the tone and character of the force entrusted to him. The General Maintenance of peace and prevention of crime in the district will under the general administrative and judicial control of the Magistrate devolve upon him, and in this respect though subordinate to the Magistrate, he is supposed to be the authority through whom the Magistrate will assert and maintain the law in the district. It is therefore essential that the Magistrate and District Superintendent should co-operate with each other with the utmost cordiality.—*Ibid, para.* 60.

To obtain information.

To meet requisition for aid and escorts.

To report to Inspector General suggestions of the Magistrate.

1733. The District Superintendent will be required to be able to afford or obtain at very short notice authentic and confidential information on every subject connected with the peace and tranquility of the country and general conduct of parties obnoxious to suspicion. He will keep the district officer specially informed of all matters relating to the well being and management of the district in a police aspect. He will meet the requisition of the Magistrate for aid and authorized escorts and guards, and he will attend to and report for the information of the Inspector General all the suggestions of that Officer relative to any alteration in the disposition of the district force, and will maintain with him and the Magistracy of all grades, intimate and confidential official relation. He will give ready and explicit obedience to the orders of the Magistrate, though he may require them in writing when such orders appear to him objectionable.—*Ibid, para.* 61.

To protect peace on large concourses of people and prevent riots.

1734. He will make disposition for concentrating the Police required for the observation and protection of large concourses of People, for preventing riots, &c. He should not confine his attention to his district but should make arrangement for recognizing suspected characters from his district at the festivals of neighbouring districts.—*Ibid, para.* 62.

Internal Economy.

1735. In respect to the internal economy of the district force, all Returns, Muster Rolls, Diaries, both general and special of instigations and proceedings of the Police on particular occurrences, will be sent direct to him from the several Station Houses. Duplicate charge sheets of charges referred will be examined by him and endorsed with his orders, and sheets of charges received will be laid before the judicial officers through the medium of his office. He will keep himself informed of the result of all trials before the Sessions and Magistracy Courts, and he will check dilatory conduct on the part of the Police in respect to the duties of detection and prosecution. He will himself quickly visit spots which have become the scene of great crime ; and aid and encurage detective exertions, and he will attend the judicial tribunals to watch the progress of cases in which the Police is interested, and will instruct and communicate freely with the Government Vakeel on all such matters. He will take immediate notice of all complaints, and cause of dissatisfaction on the part of the public or district officials with the conduct of the Police, and make preliminary enquiry when necessary to report to the Deputy Inspector General, or preparatory to judicial prosecution of his subordinate police.—*Ibid, para.* 63.

To be acquinted with the character and conduct of subordinate Police Officers.

1736. He will make himself acquainted as far as possible with the character, disposition, conduct and qualifications of each individual under his charge, especially of the Inspector and petty officers of Police, and for this purpose keep a Register of the conduct of each man. He will pay special attention to the recruiting of the corps and to the training and discipline of the reserve and preparatory classes. He will make constant tours of inspection through every part of his district, residing for longer periods in

such parts as are troublesome, and he will endeavour to gain the confidence and co-operation of the principal land-holders and influential inhabitants of his district.—*Ibid, para.* 64.

1737. He will not be the general Accountant of the district force but will be responsible that the authorized cost is not exceeded, and that the returns of Muster, &c. to the Divisional Superintendent are correct, and he will be personally responsible that contingent charges made by him were incurred solely and absolutely for the necessary service of the Police.—*Ibid, para.* 65.

1738. The Periodical returns and statements to be made by him and the Registers to be kept by him will be found in Apendix No.—*Ibid, para.* 66.

Inspectors. Their duties.

1739. The Inspectors of Police will hold a most important position in the new Police force in regard to its discipline and active exercise, and the performance of its regular preventive and executive duties ; but more especially in regard to the very important duty, the detection of crime and capture of criminals and the earnest and successful prosecution of crime. The direction of this last duty with few exceptions will fall upon the Inspectors, who must gradually become a well trained, thoroughly disciplined, and responsible body of men, the highest among them possessing good professional and legal attainment.—*Ibid, para.* 67.

To become acquainted with every branch of their duties.

1740. The grades of Inspectors are numerous, and their duties various , but all should become aquainted with every branch of the service required of them.—*Ibid, para.* 68.

Their classification.

1741. Inspectors may be classified as follows.—*Ibid, para.* 69.

1742. First Inspectors located in the interior ; second Inspectors having no especial locality but residing ordinarily at Head-quarter Station.— *Ibid, para.* 70.

An Inspector to be assigned to each division.

1743. The Police districts have been portioned off into Divisions of two or more Chief Constables or out post Stations. An inspector will be assigned to each of these divisions. These Inspectors come under the first denomination.—*Ibid, para.* 71.

To be governed by spirit of instructions for the Superintendent.

1744. This Inspector will be in his division what the District Superintendent is in his district, and he should therefore be governed by the spirit of the instructions given to that officer.—*Ibid, para.* 72.

To be always on circuit.

1745. A room will be provided for him at each Station House (Head-quarters of chief Constable) and although his Head-quarter Station should be at the same place as the Pergunnah Deputy Magistrate's Court, he is expected to be continually on circuit round his Station and out posts.—*Ibid, para.* 73.

To resort to scene of grave occurrences.

1746. All occurences of grave crimes will be notified to him, and he should with the least practicable delay resort to the scene of grave occurences and take charge of any investigation which may be necessary.—*Ibid, para.* 74.

To appear unobservant

To keep a case note Book.

1747. In detecting crime he should be observant of every trifle however apparrently unimportant, and he should take all pains to appear as unobservant as possible. He will keep a case note book, special Diary, in which he should record every circumstance noted, and every measure taken to unravel the crime committed, and to elicit the proof that exists ; and, whenever employed in this capacity, he will forward at the close of each day as briefly as possible, an abstract from the special Diary, showing the progress made and the measures taken during the day.—*Ibid, para.* 75.

To inspect Police Stations and visit them at night.

1748. Inspectors of city divisions will visit and minutely inspect the Police Stations at least twice a week. Those of Mofussil divisions will do so twice a month, and as the utility of such inspections depends greatly upon their being made unexpectedly and consequently at uncertain periods, they are at libilty to make their visits on as many different occasions as they may think fit ; provided that all the stations be visited within the prescribed period. In city divisions, Inspectors should as a rule visit two or more Stations every night, carefully observing whether the city Beats are occupied, and whether the Constable is vigilant, and on the alert ; such rounds should be made so quietly that no notice

may be given of his approach. Mofussil towns where the Police are employed in watch and ward should be frequently visited by the Inspector of the circle to assure himself of the uninterrupted regularity and vigilance of the men so employed.—*Police Manual N. W. P Part* 1, *para.* 76.

Inspection to extend to what subjects.

1749. On visiting Out-stations the inspection will extend to an inspection of the men present, of the arms and uniforms, of the diaries and books of charges acted on and refused, and of all other statements required to be kept up. He will ascertain whether since previous visit the duties to be performed have been distributed fairly and impartially, and that all orders, summons, warrants, &c. have been carried out and executed with punctuality,—*Ibid, para.* 77.

Inspector's Report Book.

1750. Inspection report books will be kept at each Station House, in which the divisional Inspector will enter the date and time of his arrival, and the result of his inspection. These books will be open to all Officers of Police of or above the rank of Inspector, who will enter their inspection report on all occasions of visiting the station. The books will be kept under the charge of the chief constable but neither he nor any officers subordinate to him will be allowed to enter in them any remarks. The Inspection report book must never be removed from the Station, except under written order of the District Superintendent.—*Ibid, para.* 78.

Inspectors to enter daily in their diary a record of what they do.

1751. Inspectors of divisions will at the close of each day enter in their Diary books a record of the duties in which they have been occupied and of the Police Stations or out posts visited by them. A monthly Inspection Report showing the dates on which they visited each Station will be forwarded to the District Superintendent on the last day of the month and special Reports will be at once forwarded whenever they detect any irregularity or misconduct on the part of the Police.—*Ibid, para.* 79.

To be aquainted with all his subordinates

With village proprietors and establishments.

To set example to subordinates by a consistent conduct & avoiding harsh & abusive language.

1752. It will be the duty of the Inspector to make himself intimately aquainted with the character, conduct, and attainments of every officer or constable of Police located within his Division, not only in a general way but also that he may be able to select and employ in cases of particular crime the Police man qualified to give him material assistance in detecting or prosecuting the particular case. He should become personally acquainted with village proprietors and establishments, and by an independent but courteous demeanour obtain the respect and good will of the well disposed and of the influential classes. He should specially make himself acquainted with suspected characters among the higher orders ; and endeavour to influence them in the cause of order ; and at all events satisfy them, that they are closely and constantly watched by a systematic organization, whose vigilance they are not likely to elude. He should set an example to his subordinates by a consistent conduct, by carefully avoiding harsh and abusive language. His orders should be conveyed clearly and distinctly, but in conciliatory language, and he should satisfy himself that all orders are clearly understood.—*Ibid, para.* 80.

To furnish Muster Rolls, pay Abstracts and applications.

1753. He will furnish Muster Rolls and pay Abstracts of the Police in his division to the District Superintendent, and he is the medium of forwarding to that Officer all applications of the Police for leave of absence or other matters of a personal nature.—*Ibid, para.* 81.

Inspectors at Head-quarter Stations.

1754. Inspectors having no seperate locality, residing ordinarily at Head-quarter Stations, will be composed of men of the higher as well as of lower grades. One of the intelligent of these should be employed as the executive Functionary in the Judicial Courts to watch and advise in the trial of cases brought before the Magistrate, or other Judges. He will attend with the necessary number of constables, at the Magistrate's Court. The work to be disposed of each day will be allotted by him amongst the Police on duty, who will receive charge of all charge sheets, prisoners and the other parties concerned. The Inspector will himself watch the trial of cases of the graver kinds, advising the Judges or instructing the Government Prosecutor, on any particulars of importance. Whenever the business to be brought before the Court is unusually heavy, he will be assisted by one or more Inspectors of the Reserve.—*Ibid, para.* 82.

1755. He will receive from the Judicial authorities all orders, warrants, or other processes which he will forward to the officers of the Police, in whose division or sub-division they have to be executed; and he will inform the District Superintendent of all complaints or charges made against the Police by the Judge in any judicial trial. He will arrange for the custody of all prisoners remaining under trial, and for delivery to the jail Darogah of all convicted and sentenced to imprisonment.—*Ibid, para.* 83.

To receive orders and process from Magistrates and send them to Mofussil Police Officers for execution, &c.

1756. He will keep a register of all criminal processes received from the judicial tribunals, and keep accounts of all sums paid as tulbana, to be credited to the General Police Fund.—*Ibid, para.* 84.

To keep register of all processes and accounts.

1757. To a second Inspector will be allotted the duties of drilling and instructing the Police in the Reserve and the preparatory classes. He should be sufficiently acquainted with military movements and exercises, to be able to teach Inspectors and other Officers of Police, to exercise drill and move small parties of Police, as well as to teach Constables and Recruits their drill and the use of their arms.—*Ibid, para* 85.

Drilling and instructing the Police.

1758. The arms and ammunition kept at the Head-quarter Station will be placed under his charge, and he will see that those in store are in good and serviceable order. He will report to the District Superintendent any that have become (for reasons to be shown) unserviceable, and will submit to that officer all indents for renewal of supply; and Muster Rolls and pay Abstracts of the district police force will be prepared by him.—*Ibid, para.* 86.

To see that arms and ammunition are in serviceable order.

1759. Two or more other Inspectors to the reserve will be employed as special assistants to the superintendent, either as visiting Inspectors or in the conducting of prosecution of crime in aid of the Inspector usually employed, or in inspecting the Police Stations in the interior. On occurrence of grave crime, they may be deputed by the District Superintendent to conduct the investigation with the view of detecting the criminals, in which case they should supersede the Inspector of the Division to whom this duty ordinarily attaches.—*Ibid, para.* 87.

Inspectors in the reserve employed as special assistant to the Superintendent.

1760. On the occasion of the arrival of the Governor of the province or other high authority, one of these men should be told off in command of a sufficient party of Police to watch and protect the camp and otherwise meet every requisition for assistance that may be made.—*Ibid, para.* 88.

Arrival of Governor or other high authority.

1761. Other Inspectors on lower scales of salary have been kept in the Reserve force to conduct the office business of the superintendent, for which they should be qualified; to assist in supervising the officers and men in reserve in their drill, &c.—*Ibid, para.* 89.

Inspectors for the office business of superintendent.

CHIEF CONSTABLES.

1762. The Chief Constable is the officer in command of the Police allocated in a particular station. His duties are confined to a due supervision and control over them, and do not extend to the duty of inspecting other than those placed immediately under his orders. He is responsible for the orderly conduct and discipline of his men, for the punctual keeping up of the Diary, and the station Registers and statements. He is the Officer on whom devolves the duty of apportioning to every constable below him the duty to be performed during the day; and he is vested with the discretion of acting upon, or refusing charges involving arrest, and of forwarding to the District Superintendent duplicate charge sheets, with prisoners arrested, or duplicate charge sheets, containing the grounds on which he has refused to act.—*Ibid, para.* 90.

Their duties.

1763. At sunrise he will parade the men present at the station, and report the absence of any man, absent except on known duty or on leave. He will see that every man is properly and neatly apparelled, and will then apportion to each man the duty to be performed, making his orders known to the Head Constable located with him.—*Police Manual N. W. P. part* 1, *para.* 91.

To parade men at sunrise and apportion to each his duty.

1764. On receiving information of crime committed he will enter the report in the Diary, and take such measures as may be conformable to the rules and orders issued for his guidance. If the crime reported be such as to demand his absence from the station, he will make over charge to the senior. Head constable, or constable present and should he depute the head constable, he will take upon himself to perform, or arrange for the performance of duties required from his subordinate.—*Ibid, para.* 92.

Procedure on receiving information of crime.

1765. He will occasionally visit the villages of the several Police walks, and ascertain that the constables have in reality performed the duties required of them, entering in the station diary every occasion and object of his absence. He will be primarily responsible for the conduct of his men, and for the

Occasionally to visit villages and ascertain that constables do their duty.

character if his station house, which he will on no pretence, allow to be used a place of amusement, or of resort by the profligate.—*Ibid, para.* 93.

To study character of men under him, of principal inhabitants of his circle and of bad characters.

1766. He will study the character of those placed under him, and endeavour to become closely acquainted with all the principal inhabitants of his circle, and with the names, resort, and means and method of livilihood of all obnoxious to suspicion, so that on the occurence of crimes agaist property, he may be able to direct or advise the course of enquiry most likely to lead to detection.—*Ibid, para.* 94.

Cities and towns guarded by Police.

1767. In cities and towns in the mofussil, guarded by the Police in lieu of Municipal Chokeedars he will be held responsible for the prevention of crime, which can only be secured by assuring himself of the constant and uninterrupted vigilance of the constables on duty.—*Ibid, para.* 95.

HEAD CONSTABLES. Their duties when in charge of a subdivision.

1768. Head Constables are next in rank to the Chief Constables. They are either in separate charge of Police sections stationed at out posts, or located at chief constable stations. In the former case they are responsible for the orderly conduct and discipline of the men under their charge, whom they will inspect at day light and sunset every day. The Head Constable will assign to each man the duty to be performed during the ensuing 24 hours, and will be held responsible that the work is allotted fairly and impartially, and is correctly and punctually discharged. He will be in daily communication with the chief constable within whose circle he is located, and to whom he will report all criminal or other occurrences of importance that take place within his beat, and to whose station house he will convey all accused of crime. In large or distant out posts he will keep a diary, in which he will enter a daily report of the constables at his out post, of the duties allotted in the morning, and of their performance during the day, as well as notices of occurrences reported, of prisoners &c. conveyed to the station house —*Ibid, para.* 96.

Duty of Head constables under chief constable.

1769.—When located at stations under a Chief Constable, the duty of the Head constable will be to see that the constables under him are present at the morning parade, to ascertain the duties to be performed by them during the day, as allotted by the chief constable, to instruct such constable in all particulars of the duty to be performed, and the manner of performance, to place and relieve men stationed as patrols in cities, to see by personal observation that the duties are performed, and that constables on duty are continuously vigilant whilst on duty.—*Ibid, para.* 97.

To report every instance of neglect &c. of the constables.

1770. He is bound to report every instance of neglect, disobedience of orders, imfractions of discipline, or misconduct on the part of the constables, and must remember, that by omitting to do so, he becomes personally responsible for the offence committed, that he has not the power or discretion of condoning any omission or act of commission on the part of his subordinates, but is bound to report each.—*Ibid, para.* 98.

When told off to accompany treasure or other property or prisoners.

1771. When told off to accompany treasure on other property or prisioners in transit, he will inspect minutely the men forming the party, and see that their arms, ammunitions, and appurtenances are in serviceable order ; he will count the cartridges in pouches before they go out, and before redelivery to Station House when they return. During the march, he will see that the party under him keep their proper position, and move in an orderly manner ; that there are no stragglers. When any of the party are necessitated to stop, he will halt the whole party ; but at the same time he will see that no unnecessary halts are permitted. He will enter in the diary the time of his despatch and return, and the condition of the men or horses of the party.—*Ibid, para.* 99.

To ascertain the character and qualifications of every constable.

1772. The Head Constable should ascertain by close enquiry and observation, the conduct, character, qualifications and peculiar aptitude of every constable, whether for good or evil ; that the subordinate officers of police may be promoted or not according to their merits.—*Ibid, para.* 100.

To be responsible for conduct of men under him.

1773 The head Constable will be held primarily responsible for the conduct and character of the men placed under him. It is therefore essential that he should follow out the above rule strictly, and without a suspicion of being influenced by partiality or dislike.—*Ibid, para.* 101.

CONSTABLES. Their duties.

1774. Strict obidience of orders, and a continuous and vigilant performance of duty are the primary duties required of constables of all grades ; but besides these, upon the constables will devolve duties,

requiring intelligence, prompt decision and ability, and only on exhibiting the proofs of these qualifications can they be eligible for promotion to higher rank in the service.—*Ibid, para.* 102.

1775. The Constable is the legitimate peace officer of the beat or circle committed to his charge, and he is invested by law, with large powers for the protection of the public, the preservation of the peace, the prevention and detection of crime.—*Ibid, para.* 103.

He is peace officer of his beat.

1776. In performing any specified duty, he should endeavor to keep in view the general object for which the Police is entertained ; by a careful observation of men, and of events passing round him, he should endeavour to obtain beforehand information of intended commission of criminal offences. He must always be on the alert for the prevention of crime, and the protection of the subject, and is never to omit reporting to his superior officer any circumstances of suspicious character, that may appear to affect the public peace or the character of the force.—*Ibid, para.* 104.

To obtain beforehand information of intended commission of crime.

1777. Whenever it is possible, he should defer to act, pending reference to and orders from the officers over him, but should endeavour to obtain directions with the least possible delay. On obtaining information of crimes which though cognizable by the Police, are not of grave character he should not proceed to act on his own authority, in arresting the offender, unless their appears probability of the criminal absconding.—*Ibid, para.* 105.

To defer action pending reference to superior authorities.

1778. Whenever necessitated to act on his own judgment, he should be prompt in doing so, and careful to note every thing he observes or does, and to act temperately and only so far as is absolutely necessary ; and he should with the utmost expedition deliver any persons he has arrested to the officer in charge of the station-house, and inform that officer of every thing done by him, and every thing that come under his observation.—*Ibid, para.* 106.

When necessitated to act on his own judgment.

1779. He should endeavour to obtain an intimate acquaintance with the characters and habits of all residing within his beat or walk, particularly of those obnoxious to suspicion ; and the qualification of constables for promotion will be judged by the intelligence they show in collecting such information.—*Ibid, para.* 107.

To obtain acquaintance with character and habits of all residing within his beat.

1780. He should be particular in observing the families and villages of absconded offenders, as by such observation only can a clue to their hiding ground be obtained.—*Ibid, para.* 108.

To observe families and villages of absconded offenders.

1781. The constable must on all occasions pursue a line of respectable and consistent conduct, and maintain a respectable appearance. Whenever absent from his Station House he will appear in uniform, whether on or off duty, the only time when allowed to be out of uniform is when off duty at the Station House.—*Ibid, para.* 109.

To pursue line of a respectable and consistent conduct.

1782. A character book is kept, in which the conduct of each man is noted down, but it devolves upon the constables to prove their efficiency, and then claim practical by the practical results that will inevitably follow upon a zealous and intelligent performance of duty.—*Ibid, para.* 110.

Character Book

1783. Police Officers of all grades are strictly prohibited from aiding in the supply of labor, carriage or provisions for any purpose whatsoever ; and from interfering under any pretext whatever with the persons or property of any class of the population, otherwise than as required by the law.—*C. O. Inspr. Gl. of Police N. W. P. No.* 100, *1st April* 1861. *Govt. Circular N. W. P. No* 1, *19th March* 1861.

Police Officers not to procure supplies nor interfere with persons or property of any individual.

1784. Police Officers, enrolled under this Act, shall not exercise any authority, except the authority provided for a Police Officer under this Act and any Act which shall hereafter be passed for regulating criminal Procedure—*Act* 5 1861, *sec.* 20.

Authority to be exercised by Police Officers.

1785. Every Police Officer shall, for all purposes in this act contained, be considered to be always on duty, and may at any time be employed as a Police Officer in any part of the General Police District.—*Ibid, sec.* 22.

Police Officers to be considered always on duty and may be employed in any part of the General Police District.

1786. It shall be the duty of every Police Officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority ; to collect and communicate

Duties of Police Officers.

intelligence affecting the public peace ; to prevent the commission of offences and public nuisances ; to detect and bring offenders to justice , and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists : and it shall be lawful for every Police Officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.—*Ibid, sec.* 23.

Police Officer may lay informations &c.

1787. It shall be lawful for any Police Officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence, and to prosecute such person up to final judgment.—*Ibid, sec.* 24.

Police Officers to take charge of unclaimed property, and to be subject to Magistrate's orders as to the disposal of it.

1788. It shall be the duty of every Police Officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the District. The Police Officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the District.—*Ibid, sec.* 25.

Magistrate may detain property and issue proclamation

1789. The Magristrate of the District may detain the property and issue a proclamation, specifying the articles of which it consists and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation. —*Ibid, sec.* 26.

Confiscation of property if no claimant appear,

1790. If no person shall within the period allowed claim such property, it may be sold under the orders of the Magistrate of the District, and the proceeds shall be at the disposal of government. —*Ibid, sec.* 27.

Regulation of Public procession &c.

1791. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the Public Streets, or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of music in the streets on the occassion of the festivals and ceremonies.—*Ibid, sec.* 30.

Police to keep order in public roads &c.

1792. It shall be the duty of the Police to keep order on the public roads, and in the public Streets, thoroughfares, ghauts, and landing places and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the Public Roads and in the Public Streets or in the neighbourhood of places of worship during the time if public worship, and in any case when any road, srteet, thoroughfare, ghat, or lading place, may be thronged or may be liable to be obstructed.—*Ibid, sec.* 31.

Penalty for disobeying orders issued under last two sections &c.

1793. Every person opposing, or not obeying, the orders issued under the last two proceeding sections, or violating the conditions of any license granted by the District Superintendent or assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate to a fine not exceeding two hundred Rupees.—*Ibid, sec.* 32.

Control of the Magistrate of District under last three sections.

1794. Nothing in the last three preceeding sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.—*Ibid, sec.* 33.

General duties of the Police.

1795. The general duties of the Police are detailed in sections 23, 25, 30 and 31 of Act V. of 1861, and the Police are not to be employed in any other duty, unless expressly permitted to do so in writing by the Inspector General, as laid down in section 10 of the Act named. These powers are very generally described in the sections referred to, but there are one or two points, on which remarks may be made with advantage.—*Govt. Res No.* 767 *A*, *2nd July* 1861, *para.* 53, *N. W. P.*

Collection and communication of intelligence.

1796. The first point that attracts attention is the injunction to collect and communicate intelligence affecting the public peace. This is a duty which, it is believed, very few native Police Officers can appreciate in its whole extent, and it is one which has not formed a principal object of his attention. Still it must be obvious that a familiar acquaintance with all the events occuring within his division or his beat, may frequently enable an intelligent Police Officer to determine the origin, to trace the progress, and put his finger upon the perpetrators of a particular crime. European Officers, who are all more or less acquainted with the system of Police in England, will readily recognize the truth of what has been above stated; but it is not to be doubted that before natives can be made to appreciate fully the usefulness of general observation and to connect the results of that observation with the occurrence of particular crimes within their circle, a great deal of explanation and teaching on the part of the European officers of Police will be requisite; for example, not to speak of an assembly of people in other than ordinary numbers near wealthy towns, as indicating an evil purpose on their part, or of gypsies, encampments as likely to contain persons of bad character and predatory habits, or of other equally obvious and prominent objects of observation. It will possibly happen that a Police Officer on his beat may observe the occurrence of a personal quarrel between two or more parties, who separated on his interference and were thus prevented from committing further violence. But it may happen that such a quarrel may lead in the cource of time to a murder, attempt to murder, other crime of violence, and the Police Officer having observed the personal quarrel and made himself acquainted with the parties will be in a position to give a reasonable clue to the detection of the culprit; or as a second illustration.

A stranger is seen in the house of or in company with a person of known bad character. An intelligent Police Officer would take note of this, would ascertain all particulars of the stranger, and should a theft occur, it is probable he will have, by such observation, obtained a clue, which will lead to discovery of the offender.—*Ibid, para.* 54.

Police officer to collect and communicate intelligence wherever he be whether on duty or on leave.

1797. The foregoing are intended to be only illustrations of the advantages to be derived from the observation of Police Officers, and it is to be understood that this observation may, and should, be carried on by the Officer of Police on whatever duties he may happen to be engaged away from the Police Station. If charged with the service of process, he can still, as he passes on, take note of everything that comes within his view or hearing. Even if absent on leave, he is still under section 22 of Act V. of 1861 considered to be on duty, and carries with him the powers of a Police Officer throughout the whole of the "General Police District," and must therefore be taught not to relax this important duty of collecting and communicating intelligence affecting the public peace under any circumstances.—*Ibid, para.* 55.

Prevention of offences and public nuisances.

1798. The next point that attracts attention is the injunction to "prevent the commission of offences and public nuisances." This is a point which the native Police officers, under the old system, have never given sufficient consideration, and this partly because the observation insisted on in the preceding para has never been practised. From an acquaintance with the general occurrences, and the state of feeling between different parties residing within their beat, and from the fact that a Police Officer has hitherto seldom left his post or station except when called upon to enquire into a crime already committed, it has been out of his power to anticipate the commission of crime in any particular quarter or consequently take steps for its prevention.—*Ibid, para.* 56.

Primary duty of Police is the prevention of crime.

1799. The members of the Police force must steadily bear in mind that their first primary duty is to prevent crime, that the prevention of crime is of far more importance that the punishment of criminals, and that their ceaseless endeavours for this end will be far more useful in maintaining the peace of the District and infusing into the people a confidence in their guardianship of person and property than their most strenuous and successful efforts for the detection and arrest of offenders. For these reasons the efficiency of Police Officers and Constables and specially of those located in cities and towns for watch and ward will be tested more by their success as preventives than as detectives. To be successful, constant vigilance will be necessary. If constantly on the alert crime cannot successfully be committed.—*Police Manual, para.* 47, *part,* 1. *N. W. P.*

1800. The object may further be accomplished by the influence a good Police will certainly have over all classes when reasonable advice and warning may be the means not only of preventing ordinary breaches of the peace but even more serious offences.—*Ibid, para.* 48.

Police to observe even the smaller occurrences every day.

1801. The object of the Lieutenant-Governor is that the Police should not restrict themselves to watching large assemblages of people, whether on occasion of a fair, or of a religious ceremony, or marriage procession, which are usually notorious; but that they should extend their vigilance, and their observation to smaller every-day Occurrences, and not particularly, and at the time, any such as may seem likely to result in a breach of the peace, or other Offence within their primary cognizance. The prevention of public nuisances will be more particularly, treated of in connection with the Lieutenant Governors' remarks on sec. 30, 31, 32 and 34 of Act 5 of 1861.—*Govt. Res. No.* 767 *A, 2nd July* 1861 *para.* 57.

Duty of preventing crime facilitated by the power conferred on Police Officers by sections 100, 101 and 102 of Act 25 1861.

1802. The duty of Police Officers in the prevention of crime, will be greatly facilitated by the power which is conferred upon them by Section 28, 29 and 30 of Act 13 of 1861. (section 100, 101 and 102, Act XXV. 1861.) The terms of sec. 28 make the exercise of this power permissive, but the Lieutenant-Governor would remark, that no Police Officer should hesitate to take upon himself the responsibility of acting with promptitude under these Sections, whenever he may see reasonable cause to justify him in making an arrest which is warranted by law.—*Ibid, para.* 58.

Inspection of gaming shops drinking houses &c.

1803. The Inspector General of Police will give his careful attention to the last clause of sec. 23 of Act 5 of 1861 regarding the inspection of gaming shops, drinking houses, &c. to which bad characters are in the habit of resorting, and will issue such instructions on this point as he may think proper.—*Ibid, para.* 59.

Powers under sec. 30 and 31 of Act 5 of 1861.

1804. Sections 30 and 31 of Act 5, 1861 give a substantial legality to acts which the Magistrate and Police Officer it is true, have hitherto performed under the obligation to preserve the peace and maintain the public safety, but which they have not been authorized to enforce by specific penalties.—*Ibid, para.* 60.

Attention of Magistrates and Police Officers directed to above Sections.

1805. This power, may be exercised with very great advantage to the public comfort and the public safety, and the especial attention of all Police Officers and Magistrates is directed to these sections.—*Ibid, para* 61.

Police to provide for peaceful conduct of assemblies and processions.

1806. It may be well left to the Police Officer, under the direction of the "Magistrate of the District" to provide for the peaceful conduct of all assemblies and processions, especially on occasions, when a breach of the peace may, for any reason, be apprehended; but it seems necessary to call attention to the minor duties, which are laid upon the Police by sec. 31, and which however unimportant they may appear must not be overlooked. The assembly or stoppage of crowds on the public thoroughfares, the occurrence of disorderly conduct on such thoroughfares, and the encroachment upon such streets or thoroughfares, are hardly less public nuisances, than those which are so specifically designated in sec. 34 of the Act, and it will be the duty of every Police Officer, under the control which is reserved by section 33 to the Magistrate of the District to give himself to the prevention and to their correction wherever observed.—*Ibid, para.* 62.

Police officers may arrest without warrant any person committing an offence mentioned in sec. 34 of Act 5 of 1861.

1807. Adverting to Section 34 on the subject of public nuisances and to the duty which is laid by Section 23 upon every Police Officer to prevent them, that Lieutenant-Governor has to point out that every Police Officer is empowered by the law to take into custody without warrant, any person who may commit within his view any such public nuisance; provided that the above Section shall have been extended to the town or other locality in which such offence may have been committed. It is certain that the prompt and judicious exercise of this authority will deter the people generally from the commission of such acts.—*Ibid, para.* 63.

1808. Any person who, on any road or in any street or thoroughfare within the limits of any town to which this section shall be specially extended by the Local Government, commit any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to

imprisonment not exceeding eight days ; and it shall be lawful for any Police Officer to take into custody without a warrant, any person who within his view commits any of such offences namely :—

First.—Any person who slaughters any cattle or cleans any carcass ; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle. Slaughtering cattle, furious riding, &c.

Second.—Any person who wantonly or cruelly beats, abuses or tortures any animal. Cruelty to animals.

Third.—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading, or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public. Obstructing passengers.

Fourth.—Any person who exposes any goods for sale. Exposing goods for sale on roads.

Fifth.—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials, or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, factory, dung heap or the like. Throwing dirt into streets.

Sixth.—Any person who is found drunk or riotous, or who is incapable of taking care of himself. Being found drunk in any thoroughfare.

Seventh.—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose. Indecent exposure of person.

Eighth.—Any person who neglects to fence in, or duly to protect any well, tank, or other dangerous place or structive.—*Act V.* 1861, *sec.* 34. Neglect to protect dangerous places.

1809. The provisions of section 34 Act 5 of 1861 shall be extended to the following cities, towns, and thoroughfares, and His Honor the Lieutenant-Governor requires that the Magistrates of the several districts within which these several towns, &c. are situated, shall give local notice by proclamation of this extension to the provisions of the law. Extention of the provisions o sec. 34 Act 5 o 1861 to certain Cities and thoroughfares.

Names of District.	Names of Town or thoroughfares.
Seharunpore	Seharunpore.
	Roorkee.
	Deobund.
	Chilkanah.
Mozuffernuggur ..	Mozuffernuggur.
	Khutowly.
	Samlee.
	Poor.
Dehra	Mussorie.
	Dehra.
	Rajpore.
Boolundshuhur ...	Boolundshuhur.
	Khoorjah.
	Secundrabad.
	Anoopshuhur.
Allygurh	Allygurh Station and Fort.
	Koel City.
	Hatrass.
	Secundra Rao.
	Someena.
	Sasnee.
Meerut	Meerut City.
	Cantonment and.
	Bazar attached thereto
	Ghazeeabad.
	Hauper.
	Sirdhana.
	Bhagput.
	Gurchooktyan.
Muthra	Muthra.
	Bindrabun.
	Goberdhun.
	Sydabad.
Agra	Agra City and Cantonment, and Bazars and Suburbs attached thereto.
	Futtehporesikree.
	Kundhowly.
	Ferozabad.
	Etmadpore.
Etawah	Etawah.
	Juswuntnugger.

Names of District.	Names of Town and thoroughfares.
Mynpoorie	Mynpoorie
	Gheroor.
	Sikhoabad.
	Bhoogaon.
	Kurowlee.
	Bewur.
	Nubeegunge.
	Kurhul.
Etah	Etah.
	Kashgunge.
	Soraw.
	Puttyalee.
	Allygunge.
Futtehgurh	Station town and Cantonment.
	Furrukabad city.
	Goorsuhoygunge.
	Chibramow.
	Jellalabad.
	Moerunke Serai including Kunouj.
Cawnpore	Cawnpore, Cantonment, station and Bazars.
	Jajmow.
	Sheorajpore.
	Bithoor.
Futtehpore	Futtehpore.
	Kurra Jehanabad.
Banda	Banda.
	Tirohan and Kirwee.
Allahabad	Allahabad city, including Kydgunge, Daragunge and Kutra, Colonegunge.
	Allahabad Cantonment station and Bazars attached thereto.
	Phoolpore.
Bareilly	Bareilly city cantonment and Bazars attached thereto.
	Pilibheet.
Bijnour	Bijnour.
	Nugeena.
	Nujeebabad.
Moradabad	Moradabad.
	Amroha.
	Chundowsee.
	Sumbhul.
	Kasheepore.
Budaon	Budaon.
	Bilsee.
	Oojhanee.
Shajehanpore ...	Shajehanpore, Cantonment of Shajehanpore.
	Jelalabad.
Mirzapore	Mirzapore.
	Chunar.
	Bindhachal.
	Gopeegunge.
Benares	Benares city and suburbs, secrole cantonments and Bazars.
	Rajghat.
	Sigra.
	Ramnugger.
Jounpore	Jounpore.
	Muchleeshuhur.
	Shahgunge.
Auzimgurh	Auzimgurh.
	Mow.
	Dehreeghat.
Ghazeepore	Ghazeepore.
	Koruntadeh.
Goruckpore	Goruckpore.
	Burhul.
Kumaon	Nyneetal.
	Almorah.

All Railway Stations opened for traffic and all encamping grounds.—*Govt. Res. N. W. P. No.* 767 *A*, 2*nd July* 1861, *para.* 64, *and Govt. order N. W. P. No.* 366 *A*, 6*th May* 1862.

Hitherto the Police have been localized.

1810. Hitherto the Police in the North Western Provinces and elsewhere have been localized, *i. e.* their duties, powers and responsibilities have been confined within narrow spheres. A Police Officer was trained to be unconcerned in any crime committed without the boundary of his action and not only did a warrant of a Magistrate required confirmation by another Magistrate if executed beyond the boundary of his district, but also a Police man of one Thana Division when acting in another Thana of the same district, acted subordinately to the Police of the Second Thana, through both were under the same Magistrate.—*Police Manual. N. W. P. Part* 1, *para.* 13.

1811. Henceforth the Police of the North Western Provinces is one force, that is the duties, responsibilities, and powers of a Police Officer, whatever his grade, are not confined to particular sphere or boundary, but extend to every part of the North Western Provinces. The Police are sub-divided into districts, divisions and Sections, so as to divide as far as possible the general duty equally amongst the body; and although the Police Stationed in a particular town or locality have the special duty of protecting and patrolling the portion allotted to them, they are not thereby relieved of the general authority and responsibility of protecting the law, wherever they observe an infringement of it elsewhere, for instance. A constable attached to one district observes a thief or gets information of the hiding place of a thief in a neighbouring district. He is bound to exercise his powers of a Police Officer by arresting that thief and conveying him to the nearest Police Station. A Magistrate of Agra issues a warrant for the apprehension of Gunga a dacoit. That warrant is sufficient for every Policeman in the general district, and execution of the warrant is required from every Police Officer to whom it is delivered or forwarded.—*Ibid, para.* 14.

Now the Police of the N. W. P. is one force.

1812. A thorough knowledge of the duties, responsibilities, and powers of a Police Officer, a general acquaintance with such laws and regulations as relate to crime and evidence, and ability to read and write legibly and intelligibly is necessary to and will be imparted to every man hereafter recruited.—*Ibid, para* 49.

Qualifications required in a police recruit.

1813. A strict observance of the rules and the line of conduct above laid down will be required, and it is hoped proudly and cheerfully given, and while reasonable allowance will be made for the mistakes that may occasionally be committed by the members of the force, it is at the same time to be remarked, that as their efficiency may be impaired as well by habitual inattention, general incompetency, or want of cordial co-operation with each other as by positive transgression of express orders. Therefore the Superintendent General will be obliged to sanction or recommend the removal from the service of every Officer or man, who shall manifest either a quarrelsome disposition or want of courage, talent, or zeal, or who shall evince continued apathy in the discharge of any duty, although he may not be guilty of any violation of specific regulations —*Ibid, para.* 50.

Strict observance of the rules and line of conduct above laid down to be enforced.

1814. The Inspector General of Police had frequent occasion to notice great inattention by District Superintendents of crimes of grave atrocity that occur. For instance the District Superintedent of ———reported the robberry by administering deleterious drugs of a cart, bullocks, and other property with a remark that he was "unaware of any further particulars, as it is under investigation by the uncovenanted Deputy Magistrate."—*C. O. Inspector Gl. of Police N. W. P. No.* 14, *29th May*, 1861, *para.* 1.

Great inattention by District Superintendents to crimes of great atrocity noticed. Example.

1815 The District Superintendent of———reported in one day a number of highway robberies, and as the measures taken by himself to arrest and bring the offenders to punishment, he mentioned the summoning by the Magistrate of a Chokeedar.—*Ibid, para.* 2.

A other example of above.

1816. In other cases specially reported similar apathy, and indifference to the number or nature of offence committed, have been apparent. Such indifference can only be viewed in a most unfavorable light, and if found to be continued, must invariably lead to removal from position occupied.—*Ibid, para.* 3.

Similar apathy and indifference apparent in other cases.

1817. District Superintendents should bear in mind that they are placed at the head of a considerable body of men for the purpose of maintaining order, preserving in security life and property, and bringing to punishment those guilty of offences against the law. They cannot be expected to put an end to offence altogether, theft will be committed wherever men are congregated together, and property amassed, but an ordinary amount of protection is expected, indeed a far greater amount than was obtained from the former untrained and untaught Police—or the illpaid city Chokeedar.—*Ibid, para.* 4.

Ordinary amount of protection expected.

1818. The occurrence of crimes of deeper enormity, particularly of those that are committed in the face of the Police, casts a slur on the efficiency of the Police, and unless in the majority of cases the offenders in such cases are brought to justice, the skill or qualification of the District Superintendent comes under question. When, besides this, the District Superintendent is indifferent, and makes no attempt to hold his ground, to discover and bring the offender to punishment, or to recover the property plundered in the face of the means given him for its protection, the Inspector General can only consider that man as unfit for the trust reposed in him, and if assured of such defect, he will not, in justice to the whole service, hesitate to recommend removal.—*Ibid, para.* 5.

Occurrence of crimes of great enormity casts a slur on the efficiency of Police. If District Superintendent does not attempt to bring offenders to justice and recover property plundered his removal will be recommended.

Success or failure depend upon the exertions and vigilance of District Superintendents.

1819 The Inspector General assures every Superintendent of Police, that success or failure depends upon his exertions and vigilance. In very many Districts, even in the Provinces where distress is prevalent, crime has been put down. Wherever crime of atrocity has been committed, the offenders have suffered for their guilt, through the zeal and prompt attention given by Officers, who, though unused to such work, have been zealous and eager to work their Police with credit, and the Inspector General trusts that the few hinted at in this circular, and whose failing arises from inertness, more than from want of talent or ability, will be more solicitous for the order and security of the district committed to their care, and show more pride in maintaining their own credit, and the good name of the Police as guardians of the lives and properties of the people.—*Ibid, para.* 6.

Some Superintendents of Police attach undue importance to activity in visiting stations.

1820. The bills sent in by District Superintendents for travelling allowances, with the statements that accompany these bills, shew that Superintendents of Police in many Districts. attach undue importance to activity in visiting stations, and under rate the gravity of the work to be performed at Head Quarter Stations.—*C. O. Inspector Gl. of Police N. W. P. No.* 16, 11th *June* 1861, *para.* 1.

Visiting Inspectors.

1821. If the visiting of Police Stations could have been performed by Superintendents of Police without detriment to other duties, visiting Inspectors would not have been allowed in the Reserve Force. These Inspectors have been given, and on good pay, to enable the Superintendent of the District Police to keep a proper check on his Mofussil Employes, by men whom he can trust, and thus be able to devote his time to duties of higher importance, for the proper performance of which his whole time is required.—*Ibid, para.* 2.

By the practice prevalent in some districts, double expence is incurred which cannot be allowed.

1822. As the practice now prevails in some Districts, a double expense is incurred, the District Superintendent, to the detriment of more important duties, is engaged in duties for which a paid agency is employed. This cannot be allowed, for one forcible reason, that it cannot be afforded.—*Ibid, para.* 3.

Not intended to restrict zeal and activity of Superintendent where necessary.

1823 It is not intended to put any restriction on the zeal and activity of the District Superintendent where occasions occur for such display ; on the contrary, travelling allowance has been given, expressly to cover the expenses incurred by these officers in such emergencies.—*Ibid, para.* 4.

The proper place of District Superintendents is ordinarily at Head Quarter Station, but a tour of inspection once or even twice a year is useful.

1824. But the duties devolving on them, are higher than that of constant inspection, and their proper place is ordinarily at the Head-Quarter Station, where the reports and Diaries of the Mofussil Police are daily received. Once or even twice a year, a tour of inspection is useful, that they may obtain an acquaintance with the leading classes amongst the population, and obtain an insight into the character and conduct of their Police ; that they may discover by open intercourse with the residents of the interior, the estimation held by the people of the Police, that they may examine the Inspection Report Books and the Registers kept, and ascertain the condition of the buildings occupied by their men.—*Ibid, para.* 5.

Special journey.

1825. Other occasional journeys should only be made on special, or on emergent objects, for which the visiting Inspectors in the reserve are unqualified or not trustworthy, such as for enquiring into cause of general ill feeling or disturbance, for investigation into crime of grave atrocity or constant occurrence, in which grave misconduct on the part of the Police is suspected.—*Ibid, para.* 6.

Inspectors in reserve to be employed as a check on native employes or for investigation of grave crimes.

1826. Well paid Inspectors have been entertained in the reserve for employment, as a check on native employes, or for the investigation of crimes, which though of grave are not of serious enormity, and this Agency should be employed on all such occasions.—*Ibid, para.* 7.

Travelling bills and statements will be narrowly scrutinized.

1827. The travelling bills and statements of District Superintendents will be narrowly scrutinized by the Inspector General, and unless the necessity for the visits made is apparent, the charges incurred will not receive the countersignature necessary for audit.—*Ibid, para.* 8.

Land-holders are not to be allowed to keep established vakeels at the Thanas.

1828. The Darogahs are enjoined, under the penalty of dismission from Office, not to permit any established Vakeel or Mokhtar to be permanently employed at their thanas on the part of any landholder farmer, local agent, or other person. But this rule is not meant to preclude the occasional employment of a Vakeel, or Mokhtar, for any specific purpose when it is necessary.—*Reg. XX* 1817 *sec.* 11 *cl.* 4.

1829. The Darogahs and other Police Officers are prohibited from employing any Mokhtar or Vakeel at the station of the Magistrate, for the purpose of receiving and transmitting the salaries of the thana establishment, or for any other purpose connected with their public functions, except in particular cases, wherein they are especially authorized by the Magistrate to employ a vakeel.—*Ibid, cl.* 5.

Police Officers are not to employ Mokhtars at the Magistrate's Office without permission.

1830. The Darogahs are prohibited from encouraging or employing, without the express sanction of the Magistrate, any goindahs or spies, who earn a livelihood by the profession of an informer; and they are to apprehend, and send to the Magistrate, any persons who give out that they are employed as goindahs by the Magistrate, or by the Superintendent of Police, unless such persons show a written authority from the Magistrate or from the Superintendent of Police. The above provision is not to be construed as precluding the Police Officers from employing persons to trace offenders, who have eluded the pursuit of justice; or from encouraging persons to furnish information, by which robbers or other known criminals may be discovered and apprehended. On the contrary the Darogahs are to encourage such persons to communicate all the information possessed by them, and are to report to the Magistrate any instance of meritorious service on the part of any such individual, by which the offenders are brought to justice, whether the individual has personally exposed himself to trouble and risk in securing the offender, or has merely supplied the necessary intelligence to the Police Officers*.—*Reg. XX.* 1817 *sec*, 11 *cl.* 7.

Police Officers are not to employ professional spies, and are to apprehend persons giving out that they are employed by the Magistrate as goindahs.

But they are to encourage persons to give information.

1831. It has been a general pratice for bawds, keepers of brothels, and other persons who retain young females for the purpose of prostitution, and for persons moving loundis, or alleged slave girls, from place to place, to register at the nearest thana the names of all those, whom they purchase, procure, or entice to remain with them. Darogahs and other Police Officers are strictly prohibited from keeping any such register, or allowing any list of such girls to be delivered to, or the girls to be brought before them at any place whatever, as such a practice leads to a belief that the Police have authority to interfere with such persons and to give their alleged owners an illegal power over them, while it is besides open to many other kinds of very gross abuse. Any Police Officer disobeying this injunction is to be immediately and finally removed from his situation.—*C. O. Supt. Pol. L. P No.* 18, of 1841, 31*st Dec.* 1841.

Police Officers are not to allow the registration before themselves of girls kept for the purpose of prostitution.

1832. Any Police Officer apprehending the female relations or connections of persons accused of offences, or detaining them in custody on insufficient grounds, is to be punished by fine or removal from Office; and any Officer punished more than twice for this offence is to be removed altogether from the Police, and the case reported to the Superintendent of Police in order to prevent his future employment. —*C. O. Supt. Pol. L. P. No.* 9, 20*th July* 1842.

Female relations of persons accused of offences are not to be apprehended

1833. Police Officers are prohibited from interfering in regard to the transfer of cattle and other goods bought and sold.—*Const. No.* 747.

Interference in the transfer of cattle and goods is prohibited.

1834. The system of compelling all dagees and *tekorahs* to sleep under the surveillance of the Police or zemindars, is prohibited.—*Government Order on the Police Report for the first six months of* 1838, *page* 230 *C. O. Supt. Pol. L. P. No.* 14, 21*st Oct.* 1839.

Dagees are not to be made to sleep under surveillance.

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* I also wish, but I fear in vain, that the Darogahs without encouraging goindahs could be induced to pay some attention towards the acquirement of knowledge of their jurisdictions, so as to have some idea of those amongst the community who live by plunder and theft. I believe that the agricultural classes in these provinces are not, unless driven to the act by famine, addicted to crime, but that they are more free from such pursuits than the generality of the same class in other countries. It is the lower castes, given to drinking, separated from the rest of the people, and degraded in all their habits from the prejudice against them, who are the principal participators in the graver offences against property, and in burglaries and thefts. These men are well known to the village communities, their herding together, sudden accession of money always spent in debauchery, cannot be concealed; but unfortunately from this class our Chokeedars are principally drawn, and it is owing to this village watch, and to the apathy or worse of the Police in making enquiries regarding them, that so many crimes are committed with impunity. Extract from the Police Report L. P. for the first six months of 1841, para. 708.

SECTION VII.

TRANSFER OF CERTAIN DUTIES FROM THE INSPECTOR GENERAL TO THE DEPUTY INSPECTORS GENERAL OF DIVISIONS.

Special Reports of crimes were hitherto sent direct to Inspector General.

1835. The Inspector General of Police has hitherto received direct from District Superintendents all special reports of crimes specified in Police order No. 3, dated 8th March. It appears to him that the time has arrived, when such close supervision by him can be relaxed, and that, this supervision can more conveniently be exercised by Deputy Inspectors General.—*C. O. Inspector Gl. of Police N. W. P. No.* 20, 20*th August* 1861, *para.* 1.

Now they are to be sent to Deputy Inspector General.

1836. All special reports of District Superintendents to be forwarded in future to the Deputy Inspector General of the Division.—*Ibid, para.* 2.

1837. The special Report is intended to convey information of the conduct of the Police in prevention of crime.—*Ibid, para.* 3.

Police responsible that crime does not occur.

1838. Wherever the Police are located in a town for patrol of a road, or in other way are present for the prevention of crime, they are responsible that crime does not occur, and whenever any neglect on the part of the Police is overlooked by the District Superintendent, it will be the duty of the Deputy Inspector General to remedy the omission.—*Ibid, para.* 4.

Greatest importance attached to this branch of duty.

1839. The Inspector General attaches the greatest importance to this branch of duty, and allowing that sometime may elapse before the subordinate Police understand their responsibility, it is only by constantly enforcing it, that they will learn the importance to themselves as well as to the public.—*Ibid, para.* 5.

Deputy Inspector General to supervise and direct measures taken by the Police.

1840. *Secondly.*—It will be the duty of the Deputy Inspector General to see that the measures taken by the Police under the orders of the District Superintendent are prompt and to the point, to direct where they are deficient, to blame where they indicate laziness, or an endeavour to avoid toil, by investigation at the station instead of at the scene of the occurence.—*Ibid, para.* 6.

Deputy Inspectors General to send to Inspector General special Reports of certain crimes,

1841. Deputy Inspectors General are requested to forward with any remarks or orders they may issue all special Reports in following cases:—

Dacoitics or gang robberies.

Murders or thefts by administration of poison.

Highway robberies.

As well as of any other cases of peculiar novelty, or in which they may find any difficulty. Official letters need not accompany such; it will be sufficient that the remarks or reference of the Deputy Inspectors General be made in the form of a "memo."—*Ibid, para.* 7.

Commissioner can be consulted.

1842. In cases of urgency it will be optional with the Deputy Inspector General to consult the Commissioner, indeed in very serious cases it will be well that they do so.—*Ibid, para.* 8.

Close supervision by Inspector General in the beginning.

1843. For the first few months after the introduction of the new constabulary, the Inspector General of Police thought it advisible to exercise a close personal supervision over the Police, and for this purpose he has been furnished with many returns and statements, which more properly belong to you. —*C. O Inspector Gl. of Police N. W. P. No.* 23, 15*th Nov.* 1861, *para.* 1, *to Dy. Inspectors General.*

Delegation of Ditto to Deputy Inspector General.

1844. This close scrutiny he is now about to delegate to you, and in doing so he wishes to explain clearly the objects, which he wishes you to keep steadily in view.—*Ibid, para.* 2.

Successful working of the system.

1845. The system has hitherto worked more successfully than the Inspector General anticipated. The year of introduction has been especially an unfortunate one—Distress and the consequent impulse to crime adding very materially to the difficulties which invariably accompany a state of transition. Still, notwithstanding the famine,—the material of which the Police force was necessarily formed, the confusion from absence of defined law,—the distrust of the people generally and the misgivings of the Magistracy, the results furnish ample ground for congratulation.—*Ibid, para* 3.

1846. A very great deal however remains to be done, before the Police can be brought up to the proper standard. The good will of the country has to be obtained, higher standard of intelligence in the lowest ranks of the force must be secured before the Police can be looked upon as efficient agents for the more difficult duties devolving upon them, *e. g.* the collection and communication of intelligence on all matters and the detection of crime. The Police are, with very few exceptions, ignorant of all even the commonest rules by which they are to be guided, they must be taught those rules before they can possibly perform on all occasions, and with judgment and conformity to law, the duties, frequently intricate, which devolve upon them.—*Ibid, para.* 4. Much remains to be done.

1847. The cold season now before us, if taken full advantage of, should enable you and the Superintendents of District Police to make very considerable advance. The District Superintendent should become thoroughly acquainted, not only with the localities, &c., of his buildings, and character of the Police, he should also endeavour to acquire a good knowledge of the people of the district; he should make every endeavour to obtain the good will of the well disposed classes, more particularly of the most influential members of society; he should make known, as far as possible, to all, the objects for which the Police are employed, rules under which they are bound, and the system under which they work. These points well explained to the higher, and more intelligent, of the Zemindars, will probably be received with approbation, and an invitation to co-operate with him and the Police in the maintenance of order, with an offer of such help as can be legally given, will secure their interest and good will, which will be of the utmost service not only in Police administration, but in procuring a better class of youths to submit to preparatory education before enlisting as constables in the service.—*Ibid, para.* 5. What the District Superintendents now to do.

1848. It is most necessary to secure as recruits, youths capable of instruction, and of higher intelligence than the old Burkundazes. Considerable difficulty has been, and will for some little time, be experienced in attaining this object, but the Inspector General has no doubt that a little trouble and pains in explaining the nature and prospects of the service, will soon remove this difficulty. The Hulkabundee and Pergunna Schools which are frequented by the children of the neighbouring Zemindars, will probably furnish some, who have acquired ability to read and write, particularly if their parents are persuaded that the service will give not only a livelihood and honorable employment at the commencement, but will lead to attainment of service in the higher ranks. The recruit should be disabused of the idea that he is working for a pittance of 3 Rs. a month. It should be explained that he is at perfect liberty until enrolled, and that the stipend given is merely an allowance, whilst receiving education to qualify him for the service and for promotion in its ranks. Youths should be sought for and not left to apply for admission. Care should be taken in selection, that no one may be admitted who does not show hope of turning out an intelligent and efficient Police Officer, the rejection of those who are unlikely to prove useful will, the Inspector General believes, impress the native with a higher and not an untrue idea of the service to be entered :—*Ibid, para.* 6. Selection of men for recruits.

1849. The last general subject to which I am to request you will pay attention, is education. It is impossible for the Police to do their duties correctly or efficiently, until they are thoroughly conversant with the rules and regulations by which they are to be guided. Hitherto men have been appointed to the service and sent out on its duties in utter ignorance of their powers or responsibilities, or of the restrictions by which they are bound. One of the main features of the new system is to instruct before enrolment in the lowest grade, and to fill up vacancies in the higher by the men in the lower ranks who have proved themselves most fitted for higher responsibility.—*Ibid, para.* 7. Education.

1850. In the few districts he has yet visited, the Inspector General observes, little or no attention has been paid to this subject: that recruits are carefully drilled, but instruction has been universally neglected. So far from this being expedient, the Inspector General has no hesitation in saying, that it would be far better to send the recruit into active service altogether undisciplined in platoon or other military exercise, but acquainted with the leading rules of Police, than as now to impart a smattering of drill and leave instruction altogether neglected.—*Ibid para.* 8.

1851. The first thing to do will be to teach the Inspector or School Master, the subjects to be imparted to Police. Of these the principal are duties as defined in sections 22, 23, 24, 25—28, 29, 30, Subjects to be imparted to Police.

31—34 and 44 act V. of 1861, Sections 1 to 39 of act XIII to all of and below the grade of Head Constables, and the whole act to all above that grade.—*Paras.* 53 *to* 63, 66 *and* 67 *and* 77 to 100, *Resolution of Government No.* 767 *A, dated 2nd, July last.*

Police order, No. 1, dated 28th February 1861.

Circular Police, No. 14 dated 29th May 1861.

Circular Government, No. 1, dated 19th March 1861.

Rules for guidance of Police Officers with conception of "special diaries of cases investegated," where in consequence of a change in Law of procedure, the record is wrong and in lieu thereof, the procedure laid down by sections 59 to 62, act XIII, and para. 94 to 100, resolution No. 767 A, must be observed, and Police Manual from para 28 to close.—*Ibid, para.* 9.

1852. In order to assist all in attaining this knowledge of their duties, a series of questions and answers, will shortly be circulated in English and Oordoo.—*Ibid, para.* 10.

Vacancies to be invariably filled up by promotion.

1853. It will be your constant duty to see that all vacancies in the higher grades, are invariably filled by promotion. The only exceptions allowed are appointment of office clerks, or of officers and men of former Police who were rejected from employment on first formation for want of room.—*Ibid, para.* 11.

Submission of monthly Returns.

1854. The monthly Return which you will receive, will show you whether these orders are adhered to and also whether dismissal, fines, promotions and reductions are judiciously carried out. This return need not be forwarded to the Inspector General unless for remission of fine which you consider exorbitant or ill advised, or for orders required in consequence of non observance of instructions hitherto conveyed. Otherwise it will remain in your Office and be a return for examination by Inspector General on his tour of inspection.—*Ibid, para.* 12.

Monthly Return of crime.

1855. The monthly return of crime will be forwarded by you to this office, up to the close of the present year. Further instructions will hereafter be given relative to returns for the next year. Previous to forwarding them, they should be examined by you, that the results exhibited, may show you where instructions are required, in consequence of failure in prevention, detection or prosecution of crime.—*Ibid, para.* 13.

Special Reports of crime. Other Returns.

1856. Special Reports of crime have been already directed to be sent to you. The remaining Returns consist of Pay abstracts, contingent, and Travelling allowance Bills which as heretofore must be submitted to my Office for countersignature.—*Ibid, para.* 14.

SECTION VIII.

ALLOCATION AND TRANSFERS OF POLICE AND POLICE OFFICERS.

Rules regarding allocation removals and transfers of Police.

1857. I am directed to forward for the guidance of yourself, and your subordinates the following Rules, regarding the allocation of the Police, removals and transfers, &c., which have met with the approval of the Government of the N. W. P.—*C. O. N. Inspector General of Police, N. W. P., No.* 10, *3rd April* 1861, *para.* 1.

1858. No change whatever is to be made in the fixed allocation of the force or of any part thereof without express authority from the Inspector General.—*Ibid, rule* 1.

In what cases District Superintendent can make changes.

1859. In cases of emergency, a District Superintendent with the concurrence of the Magistrate of the District, may re-inforce a particular Station, demanding additional strength or assemble any portion of the force at a particular point, but a report showing the grounds of such emergency must be forwarded at once for the final orders of the Inspector General.—*Ibid, rule* 2.

1860. No officer, chief or other constable, shall be stationed at a sub-division or beat within which he has property, or in which his family reside, or carry on trade of any kind; nor shall a father and son or brothers be attached to the same Police party, whether chief constable Sub-division or a Section.—*Ibid, rule.* 3.

No officer to be stationed where he has property or home or mercantile business.

1861. The District Superintendent may either as a matter of expediency or at the reasonable request of men themselves remove officers and constables from one Police party or section to another, or from one division to another, provided that both are within the same District, and that no alteration is made in the numerical strength of the District Police Force.—*Ibid, rule* 4.

District Superintendent can make transfers in certain cases.

1862. Whenever such removal is owing to the conduct of any individual, the cause why transfer was expedient, shall be noted in the character book against the man affected: Whenever permanent transfer is made from one Division to another, an abstract from the character book containing every particular, relating to the conduct and character of the transferee will be forwarded to the Inspector of the Division to which he is removed.—*Ibid, rule.* 5.

If transfer is owing to conduct of any man, fact to be noted in character book.

1863. Transfers from one District Force to another, may be made on promotion or on application of parties.—*Ibid, rule* 6.

Transfers from one District Force to another.

1864. In the latter case the application must name the individuals willing to exchange with him and both parties wishing to exchange must forward application in following form.

Exchange.

Name of party to be transferred.	Rank and Grade.	Name of party to be received.	Rank and Grade.	Reasons for wishing or agreeing to transfer and Statement of properties or relatives in employ in District to which to be transferred.

Ibid, rule. 7.

1865. The Inspector General of Police has ascertained that superior Officers of Police are changed about from one Division and Police Station to another far more frequently than can be conducive to efficiency.—*C. O. Inspr. Gl. of Police N. W. P. No.* 14, 15*th June* 1862, *para.* 1.

Frequent change of superior Police Officers.

1866. Excepting Jail and Treasury guards and Road Patrols, the Police should never be changed without urgent necessity. Local information is the great desideratum, and this can only be obtained by long residence. A Police Officer who is frequently moved, can never know any thing about his station, beat, or walk, and his utility as a Police Officer is lost.—*Ibid, para.* 2.

Police not to be changed without necessity.

1867. The Inspector General of Police therefore directs that Police, whether employed as watch and ward of cities, or for general duties, in the Moffussil, may not be changed, excepting as a punishment and on necessity. When transferred as a punishment, the transfer should be accompanied by degradation, until a good general knowledge of the beat or walk (in case of constables) or of the out post or station circle (in the case of Head and Chief constables) has been obtained.—*Ibid, para.* 3.

Or as a punishment.

1868. A transfer of a Chief constable or an Inspector will not be made, excepting with the concurrence of the Magistrate of the District, and a report showing reasons of transfer will be made to Deputy Inspector General if of Chief Constable, and to the Inspector General if of the Inspector.—*Ibid, para.* 4.

Superior officer not to be transferred except with concurrence of Magistrate of District.

1869. Jail, Treasury, and other guards are not intended in this order.—*Ibid, para.* 5.

SECTION IX.

OF THE CONDUCT OF THE POLICE TOWARDS THE PEOPLE.

Test of good Police.

1870. The Police is instituted for the protection of the good from the evil disposed. As such it would naturally be respected and supported by the people generally and feared by the few evil ones.

How the Police would secure the respect, approbation and support of the people generally.

This is the test of a good Police. To secure the respect, the approbation, and support of the people generally, it is absolutely necessary that every member of the force should pursue a steady and impartial line of conduct in the discharge of his duties, that his appearance should be clean and tidy, his habits sober and orderly, his bearing towards all classes civil and conciliatory. Orders should be given in firm but conciliating language and be received without comment or demur.—*Police Manual N. W. P. part* 1, *para.* 41.

Partizanship to be avoided.

1871. Partizanship must strictly be avoided. On occasions of religious observance or processions, the Police told off for the duty of observing the crowd and preserving the peace must scrupulously avoid taking part in the proceedings of the crowd, and confine themselves to the duty of watching them and maintaining order without favor to any.—*Ibid, para.* 42.

Police Officer not to engage in trade agriculture &c.

1872. Every Police Officer is bound by law to give his whole time to the service of Government; it is also necessary in order to maintain his independence of character, that he should not be interested or concerned in any trade, agriculture, or other means of livelihood within his district.—*Ibid, para.* 43.

Not to incur debt.

1873. For the same reason no member of the force should contract debts which he is unable or unwilling to discharge, and thereby fetter himself in the fearless and impartial discharge of his obligations as a Police Officer.—*Ibid, para.* 44.

To avoid altercation or fighting and the use of intemperate or abusive language.

1874. As a Police Officer sworn to preserve the peace, he must carefully avoid altercation or fighting, the use of intemperate or abusive language. If assaulted, he has by law the power of arrest, if the assault is committed whilst in the execution: if otherwise, or if it should be imprudent or impossible to exercise that power, he has the power of resorting to the law for which every facility will be given.—*Ibid, para.* 45.

Not to interfere with or address any person unnecessarily.

1875, In performing duty as patrol, he should abstain from interfering with or addressing any person except so far as may be required for assisting the law. He should study to be seen as little as possible, to see and observe as much as possible. When addressed he should reply in courteous language. He should comply with any request, if able to do so without hinderance; he should refuse whenever compliance involves departure from his duty or from the orders conveyed to him. In arresting or apprehending persons guilty or accused of crime, he should exercise only so much force as may be necessary to secure his prisoner and carefully abstain from abusive or intemperate language.—*Ibid, para.* 46.

How he should behave in making arrest.

SECTION X.

TRIAL AND PUNISHMENT OF POLICE OFFICERS FOR NEGLECT OF DUTY AND OTHER OFFENCES.

Jurisdiction.

1876. In all cases of convictions under this act, the officer trying the case shall be limited to his ordinary jurisdiction as to the amount of fine or imprisonment which he may inflict; provided that any charge against a Police Officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.—*Act* V. 1861 *sec.* 35.

Proviso.

Penalty for persons refusing to deliver up certificates &c., on ceasing to be Police Officers.

1877. Every person, having ceased to be an enrolled Police Officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments, and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor for a period not exceeding six months, or to both.—*Ibid, sec.* 28.

1878. Every Police Officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent Authority; or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months; or who shall engage without authority in any employment other than his Police duty; or who shall be guilty of cowardice; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months pay, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.—*Ibid, sec.* 29.

Penalties for neglect of duty, &c.

1879. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done, under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent, or an Assistant District Superintendent of the District in which the act was committed, one month at least before the commencement of the action. No plaintiff shall recover in any such action if tender of sufficient amend shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action. Provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.—*Ibid, sec.* 42.

Limitation of action.

Tender of amends.

Proviso.

1880. The maintenance of discipline amongst the Police is a duty which devolves upon the District Superintendent, not upon the Magistrate.—By section 42 Act 5 of 1861, any person having complaint to make against the Police, must on the one hand give notice in writing to the District Superintendent at least one month before commencement of action.—It devolves upon the District Superintendent to follow out Police orders.—Chief Constables are subordinate in their appointment, dismissal and promotion to the Deputy Inspector General, Inspectors of Police to the authority of the Inspector General and all subordinates to chief constable to the authority of the District Superintendent himself. On receiving notice of complaint it is the District Superintendent's duty to enquire how far the Police have misconducted themselves, to protect them on the one hand from false charges, brought as they frequently are in revenge of Police action—and on the other to punish where wilful misconduct has been committed or to reconcile where the damage alleged has been committed, either through ignorance or under false direction. In such case the offer of any sufficient sum of money in satisfaction is sufficient to stay or arrest prosecution. It is not only not necessary that the subordinate Magistrates should take complaints against the Police, it is imperative that they should not do so unless the one month's notice to the District Superintendent has been given. As head of the Police the Magistrate should be informed of all complaints thus instituted, that he may in this capacity and as the only Officer having general direction and control over the Police, be constantly informed of all that affects them in their capacity as servants of the public, and of all that occurs between the Police and the public.—*Letter of Inspector General of Police N. W. P. to the Magistrate of Goruckpore No.* 34 *A*, 13*th May*, 1862.

Notice of action to be given to District Superintendent.

What the Superintendent is to do on receiving such notice.

Magistrate to be informed of the institution of such actions.

1881. When any action or prosecution shall be brought or any procedings held against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, purporting to be signed oby suh Magistrate; and the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always,

Plea that act was done under warrant.

Proviso.

that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.—*Act* 5, 1861 *sec.* 43.

Power to prosecute not affected.

Proviso.

1882. Nothing contained in this act shall be construed to prevent any person from being prosecuted under any other Regulation or act for any offence made punishable by this act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.—*Ibid, sec.* 36.

When a Police Officer is punished by a Magistrate under Section 29 of Act V. 1861 the District Superintendent is to punish him for breach of Police Regulation and note the fact in the Statement

1883. I have the honor to acknowledge the receipt of your letter dated 27th Sept. (2) In the Fine Statement for August, Goolshum Raj, Head constable, Hoolapee, Moolchund, and Goomanee constables were entered as fined ; in the column showing "reason why fined" was entered "by order of Magistrate." (3) The Police enrolled under Act V of 1861, are liable to fine under sections 7 and 29. Section 7 treats of neglect of duty, or departmental offence. The power of imposing fines under this Section is vested only in the Officers over the Police therein named, that the subordinate Police may be in all matters of interior discipline subject to one head only. (4) Under Section 29 the Police can be imprisoned or fined, or imprisoned and fined, for graver offences in contravention of Police discipline. Any sentence imposed under this section is imposed, on conviction before, and consequently by a "Magistrate" in his Judicial capacity. (5) It is essential that you should bear in mind the distruction between the two sections. Under the first (Section 7) a fine is imposed by the Police Authority, and such fine requires no trial, and is not subject to revision by other than Police authority. Under the second (Section 29) the punishment is on conviction *i e.* after judicial trial before a Magistrate, and the sentence imposed cannot be altered or questioned by any Police authority, excepting only the head of the Executive Government. (6) Paragraphs 2nd and 3rd invest all District Superintendents and Officers superior to the District Superintendent with powers of a Magistrate for the trial of cases under section 29, provided that the only persons concerned, are members of the Police force. (7) In the Case of the head constable and constables named in para. 2, of this letter, you were called upon to report whether the fines were imposed under Sec. 7 or under Sec. 29, because if imposed under Sec 7, the fines were illegal and would require confirmatory order or they were capable of remission or reduction by the Inspector General. If imposed under Sec. 29 he could not interfere with them. (8) From the letter of the Magistrate of your district, it appears that the fines were imposed for offering personal violence to prisoners under their custody, and that the violence was exercised for the purpose of obtaining by confession or admission proof of a theft having been committed (9) The fines will of course be realized, but the Inspector General regrets the offence was not visited more severely. (10) In this and all similar cases the offenders should have been further dealt with by the District Superintendent, as it involves a breach of Police Regulation, such as to preclude them from service in a force constituted for maintenance of law, and protection of the public. (11) I am desired therefore to direct the immidiate dismissal of the head constable and other constables concerned. (12) I am further to direct that whenever any Police Officer, is sentenced judicially by a Magistrate under section 29, whether such be one of the ordinarily constituted Magistracy, or by yourself under the powers vested in you by *paras.* 2. and 3. of Res. of Govt. No. 767 A, dated 2nd July, you will invariably specify the fact, and add a remark showing how you have treated with such offenders for breach of Police discipline.—*Letter from Inspector Gl. of Police N. W. P. to District Supdt. of—No.* 2229, *dated* 10*th Oct.* 1861, *circulated with* No. 22, 12*th Oct.* 1861.

SECTION XI.

LEVY OF FINES AND FORFEITURES.

Levy of forfeiture and penalties by distress.

1884. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of the Magistrate of the District, by warrant under the hand of the Magistrate who made the order.—*Act V* 1861, *sec.* 37.

1885. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be coveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.—*Ibid, sec.* 38.

Procedure until return is made to warrant of distress.

1886. If upon the return of such warrant it shall appear that no sufficient distress can be had where on to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate or otherwise that the offender had not sufficient property where upon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calender months when the amount of fine shall not exceed fifty rupees, and for any term not exceeding four calender months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calender months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Ibid, sec.* 39.

Imprisonment if distress be not sufficient.

1887. If the offender be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.—*Ibid, sec.* 40.

Levy of fines from European British subjects.

SECTION XII.

DIARIES TO BE KEPT BY POLICE OFFICERS.

1888. It should be the duty of every Officer in charge of a Police station to keep a General Diary in such form as shall, from time to time, be prescribed by the Local Government, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witness who shall have been examined. The Magistrate of the District shall be at liberty to call for and inspect such diary.—*Act V.* 1861, *sec.* 44.

Police Officers to keep diary

1889. As required by sec. 44 the Lieutenant-Governor directs that every Inspector of a Division and every Chief Constable of Station shall keep a general diary as laid down by the rules for guidance of Police Officers and a special diary of their proceedings, whenever engaged in any local enquiry, under sec. 62, Act 13 of 1861, (sec. 154, Act XXV 1861.)—*Govt. Res. N. W. P. No.* 767 *A. 2nd July* 1861 *para.* 66.

Diaries to be kept. Sec. 44, Act V. 1861.

1890. I am directed to request you will instruct Chief Constables of all sudder station cities, to take a daily report from the city watch and ward Police, of the cleanliness of the town ; entering such report in the station diary of the day.—*C. O. Inspector General of Police N. W. P.* No. 7, *4th April,* 1862, *para.* 1.

Chief constables of Cities to be directed to take a daily report of their cleanliness.

1891. Whenever a conservancy establishment is kept up, the menials employed should be ordered by the Police to clean away filth, and any neglect to do so, should be reported in the daily Diary for the information of the Magistrate.—*Ibid, para.* 2.

Menials of conservative Department to be ordered to clean away filth.

SECTION XIII.

Investigation of Cases by Police Officers.

Police officer to make enquiry into certain Offences only when directed to do so by Magistrate.

1892. No Police Officer shall, without an express order from a Magistrate, enquire into or take conizance of any offence punishable under the Indian Penal Code other than the offences described in column 3 of the Schedule annexed to this Act, as offences for which a Police Officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under the Indian Penal Code or under any special or local law.—*Act. XXV* 1861 *Chap. IX sec.* 133.

Saving of powers vested in Police Officers by any special or local Law.

1893. Nothing in the last preceding section shall be held to interfere with the exercise of any powers which are vested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.—*Ibid, sec.* 134.

Police Officer not to administer oath on receipt of a complaint.

1894. The Court are of opinion that, as the Code of criminal procedure does not provide for the administering of an oath by a Police Officer, on receipt of a complaint, it is evidently the intention of the legislature that such should not be administered. Section 13, Reg. 20 of 1817 under which Police Darogahs used to act has been implicitly repealed by Chapter IX of the Code of Criminal Procedure.—*C. O. No.* 10, 10*th May*, 1862, *L. P.*

Upon complaint preferred officer, in charge of police station to proceed in person or depute a subordinate officer to make enquiry.

1895. Upon complaint or information being prefered to an Officer in charge of a Police Station of the commission within the limits of such station of any of the offences specified in column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without warrant, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person, or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender. Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an Officer exercising any of the powers of a Magistrate, to proceed to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.—*Act. XXV of* 1861, *sec.* 135.

Except in cases not of a serious nature, where local enquiry not necessary.

1896. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police station to proceed in person or to depute a Subordinate officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.—*Ibid, sec.* 136.

If Police Officer see no sufficient ground for enquiry.

1897. If on any complaint or information being preferred to an officer in charge of a Police Station it shall appear to such officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case, and shall report the substance of the complaint or information for the orders of the Magistrate.—*Ibid, sec.* 137.

All persons to give information of offences

1898.—It shall be the duty of every person who is aware of the commission of any offence made punishable under Sections 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, or 460 of the Indian Penal Code, to give information of the same to the nearest Police Officer whenever he shall have reason to believe that, if such information be withheld, the person who committed the offence may not be brought to justice, or may have his escape facilitated.—*Act XXV.* 1861, *Chap. IX sec.* 138.

Complaint &c. to be in writing

1899. Every complaint or information preferred to an Officer in charge of a Police Station, shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer in such form as shall be prescribed by the Local Government.—*Ibid, sec.* 139.

Procedure when a Police Officer deputes another.

1900. When any Officer in charge of a Police Station requires any officer subordinate to him to make without a warrant an arrest which may lawfully be make by such officer without

a warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.—*Ibid, sec.* 140.

Police may pursue offender into another jurisdiction.

1901. It shall be lawful for a Police Officer to pursue with a view to arrest, any person accused of any of the Offences specified in column 3 of the schedule annexed to this Act, as offences for which Police Officers may arrest without warrant into the limits of another Police Officer, whether subordinate to the same Magistrate as himself or to the Magistrate of any other District, and whether such place be under the same Local Government or not.—*Ibid, sec.* 141.

Issue of search warrant by Officer in charge of Police Station.

1902. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into an offence which he is authorized to investigate, it shall be lawful for him to search or cause a search to be made for the same in any house or place within the limits of such Station. In such case, the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing specifying the property for which search is to be made and the house or place to be searched, and it shall thereupon be lawful for such subordinate Officer to search for such property in such house or place. The provisions of Sections 122, 123, 124, and 125 of this Act, relating to search warrants, shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.—*Ibid, sec.* 142.

When one Officer of a Police Station may require another to issue a search warrant.

1903. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another district, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.—*Ibid, sec.* 143.

Witnesses to be summoned.

1904. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case in which he is enquiring under section 135 of this Act, and such person shall be bound to obey such requisition.—*Ibid, sec.* 144.

Oral examination of Witnesses by Police.

1905. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record or used as evidence.—*Ibid, sec.* 145.

No inducement to be offered to accused person to confess.

1906. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.—*Ibid, sec.* 146.

Police Officer not to record confession.

Proviso.

1907. No Police Officer shall record any statement or any admission or confession of guilt which may be made before him by a person accused of any offence. Provided that nothing in this section shall preclude any Police Officer from reducing any such statement or admission or confession into writing for his own information or guidance.—*Ibid, sec.* 147.

Confession made to a Police Officer shall not be used as evidence.

1908. No confession or admission of guilt made to a Police Officer, shall be used as evidence against a person accused of any offence.—*Ibid, sec.* 148.

Confession made o a Police Officer hall not be used s evidence.

1909. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.—*Ibid, sec.* 149.

Police Officer may give in evidence so much of any statement or confession made by the accused as relate distinctly to a fact thereby discovered.

1910. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amount to a confession or admission of guilt or not, as relates distinctly to the fact discovered by it, may be received in evidence.—*Ibid, sec.* 150.

Enquiry by the Police.

1911. If the person arrested from the information obtained to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any subordinate Police Officer has made any enquiry under this Chapter, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or may do so without such instructions, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.—*Act XXV, of* 1861, *Chap. IX. sec.* 151.

Accused not to be detained by the Police beyond 24 hours without special authority.

1912. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall, nevertheless, forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.—*Ibid, sec.* 152.

Police how to proceed in cases of deficient evidence.

1913. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.—*Ibid, sec.* 153.

Daily record of proceedings.

1914. A Police Officer making an enquiry under this Chapter, shall day by day enter his proceedings in a diary, settingforth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he shall consider it to be important that such Magistrate shall know. The Magistrate of the District shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District, such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it. —*Act XXV* 1861, *Chap. IX sec.* 154.

Report of Police Officer of what to consist.

1915.—The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the Local Government, settingforth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state, whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, he shall state the fact and the cause of his detention.—*Ibid, sec.* 155.

1916. A person accused of any offence entered as not bailable in column 5 of the Schedule annexed to this act, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence, shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.—*Ibid, sec.* 156.

Bail.

1917. The bail to be taken under the last preceding section shall not be excessive ; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person, before the Magistrate, on or before a fixed day to answer the complaint.—*Ibid, sec.* 157.

Bail not to be excessive Terms of Security.

1918. Every prosecutor and witness, whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance in the form (E) given in the appendix, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed, shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses unaccompained by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.—*Ibid, sec.* 158.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

1919. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances ; but if any prosecutor, or witness shall refuse to attend, or to execute the recognizance directed in the last preceding section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness is custody until he shall execute such recognizance or until the hearing before the Magistrate.—*Ibid, sec.* 159.

Prosecutors and witnesses not to be subject to restraint.

Recusant prosecutor or witness may be forwarded in custody.

1920. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective stations, whether such persons shall have been admitted to bail or otherwise ; and no person who has been apprehended, shall be discharged except on bail, or on his own recognizance, or under the special order of a Magistrate.—*Ibid, sec.* 160.

Police to report all apprehensions.

1921. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to give intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry, and report the apparant cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The Report shall be signed by such Police Officer andother persons or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay it shall be the duty of the head of the village in like manner to make the enquiry and report as aforesaid.—*Ibid, sec.* 161

Police to make immediate enquiry and report on unnatural and sudden deaths.

1922. The powers to be exercised by an Officer in charge of a Police Station under this Chapter, shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a constable, Peon, or Burkundaz.—*Ibid, sec.* 162.

By whom the powers of the officer in charge of Police Station may be exercised in his absence or illness.

1923. The Lieutenant Governor having in the preceding paras recorded such observations and instructions relative to the provisions of Act 5 of 1861 as have appeared to him to be called for, proceeds to direct attention to those parts of Act 13, of 1861, * which have the most important bearing on the Police administration, or which for any reason appear to require explanation.—*Govt. Res. No.* 767 *A, 2nd July* 1861, *para.* 75, *N. W. P.*

Distinction to be observed between terms. Magistrate and Magistrate of the District.

1924. The distinction between the Magistrate of the district and a Magistrate runs through the whole act. and must always be carefully borne in mind. The Magistrate of the District is the Chief Officer charged with the executive administration of a district. A Magistrate includes all persons who exercise any of the powers of a Magistrate, *e. g.* an Assistant Magistrate, or a Tushseeldar who is invested with magisterial powers is under these acts a "Magistrate;" for instance, under sec. 3 of the Act a warrant issued by a Magistrate will ordinarily be executed within the jurisdiction of the "Magistrate of the district," in which it was issued. In other words a warrant issued by a Tehseeldar and Deputy Magistrate in Pergunah B. is good and will be ordinarily executed in any other pergunah within the jurisdiction of C. the Magistrate of the District and may be executed beyond if specially ordered, or under the circumstances and provisions of sec. 4, Act 13 of 1861. (Sec. 84, Act 25 of 1861.)—*Ibid, para.* 76.

Arrest by Police without warrant.

1925. Under Section 28 of the Act (Sec 100 of Act XXV. 1861) the several cases are specified in which a Police Officer may arrest without warrant of a Magistrate. The second clause of this Section calls for explanation.—*Ibid, sec.* 84.

On receiving complaint Police officer to make immediate and summary enquiry.

1926. It will be the duty under this Section of the Police Officer, when receiving complaint against any person named, to make immediate and summary oral enquiry from the person charging, and any other persons who may happen to be present; with reference to the facts elicited by this interrogation, to judge whether the complaint is reasonable or not, and if reasonable, whether there are grounds of "reasonable suspicion against the party charged or not.—*Ibid, para.* 85.

Police Officer to exercise sound discretion in arresting upon complaint

1927. It will be in the exercise of a just discrimination on this and the like points, that the efficiency of a Police Officer will chiefly become apparent. It is obviously impossible to lay down any principles or rules by which the Police Officer shall be guided in forming his judgment. But it is important for him to bear in mind, that while precipitation and hasty conclusions must be guarded against, as calculated to expose innocent persons to the unmerited degradation of arrest, a failing to exercise the powers of immediate arrest from whatever cause arising, may favor the escape from justice of a great criminal.—*Ibid, para.* 86.

Police officer to reject complaint if it does not appear reasonable and to report to Magistrate

1928. If in the judgment of the Police Officer, the complaint should not appear reasonable, or if reasonable in itself, there should be no grounds of reasonable suspicion against the person charged, the Police Officer will abstain from making arrest, and will proceed under section 46 and 47 of the Act (sec. 137 and 139 Act XXV 1861) to report the substance of the complaint or information for the orders of the Magistrate in the sheet of charges refused.—*Ibid, para.* 87.

1929. Form of Report of charges refused at the Police Station, Dated——186

Date.	Hour when brought to the Station.	Name and Address of complainant.	Nature of charge or complaint.	Name and address of person accused.	Name of Officer on duty at Station.	Reasons why charge was refused.	REMARKS.

Ibid, App. 2.

* Act 13 of 1861, has been superseded by Act 25 of 1861.

1930. Reading Section 44 in connection with section 45 of Act 13 of 1861 (sec. 135 and 136 of Act 25, 1861 respectively) and having regard to the fact, that clause 2 section 2 Reg. 2 of 1832* has not been specially rescinded, the Lieut. Governor cannot think it to be the intention of the legislature to require by Section 44, that whenever any of the offences specified in the Schedule of the Act as cognizable by the Police shall be committed, the Officer in charge of the Police Station shall either himself proceed, or depute a subordinate Officer to proceed to the spot for the purpose of a local enquiry; but that such local enquiry shall be obligatory only on those occasions, when an offence heinous in itself, and serious by reason of the circumstances attending it, and obscure owing to want of information as to the offender, shall have been perpetrated, or when a specific demand for enquiry shall have been made by the person considering himself to have been aggrieved. If any other interpretation than this were placed upon these sections, the Officers in charge of Police Stations would never be at rest, and in order to avoid constant visits and perquisitions of the Police, no complaints would be preferred and no informations would be lodged, and the result would be a most extensive and injurious concealment of crime.—*Ibid, para.* 88.

In what cases local enquiry is optional and in what cases obligatory.

1931. It must be observed further upon this point, that some of the offences, entered in the Schedule to Act XIII of 1861 (now Act 25, 1861) however serious they may be in themselves as regards individuals, do not, in point of fact, threaten the disturbance of the peace or injury to the Police at large, E G. aggravated assualt, exposure of infants or "attempt to commit suicide," none of which it seems to the Lieut. Governor, is it the part of the Police Force to investigate *Proprio Motu.* If the parties considering themselves injured, choose to demand the interposition of the Police, then both the law and considerations of expediency require that the assistance should not be withheld, but it does not appear to be the intention of the law, and it is certainly not consistent with administrative policy, to compel any private person to prosecute for an offence, which while it does not affect the public peace or the public safety or the morality, the aggrieved party himself is prepared to condone.—*Ibid, para.* 89.

Offences which the Police should not investigate *propiomotu* though they are cognizable by the Police.

1932. It appears to have been on this principle, that cl. 2 section 2 Regulation II of 1832, was framed to inhibit enquiry by the Police, into cases of Burglary and of theft unattended with personal violence, excepting upon a written application from the party injured, and this principle should continue to be observed.—*Ibid, para.* 90.

Principle of clause 2 section 2 Regulation 2 of 1832 to be continued to be observed.

1933. The Lieut. Governor understands then, that the intention of section 44 is, that whenever a complaint or information of any of the offences, specified in the Schedule, appended to Act XIII of 1861 (Act 25, of 1861) may be preferred to a Police Officer in charge of a Station, a local investigation must be made in respect of every serious offence, affecting the public peace, the public safety, or the public morality, with a view to the discovery of the offenders, but that in certain classes of cases, such as simple theft, burglary or aggravated assualt, in which prosecution should be optional, the Police Officer unless specially called upon, shall merely record the substance of the complaint or information in his diary for the information of the Magistrate.—*Ibid, para.* 91.

Cases in which local investigation must be made.

How Police is to act in cases of simple theft, burglary or aggravated assault.

1934. In the first-class must be understood to be included "Murder" Thugge "Dacoitee" "Highway Robbery" "culpable Homicide" "receiving stolen property" "Arson" "affray" "Rioting" "counterfeiting the Government Coin or Stamps" "administering poisonous Drugs" and attempts to commit any of the above. In the second-class will be included all other of the offences mentioned in the schedule; and it is hardly possible, but that complaints, of the commission of these or any of them, theft and burglary excepted, will be made against some person "by name and it is very probable that they will frequently be of no serious nature" and therefore, in these cases, it will be in the discretion of the Police Officer in charge of the station under section 45 to make a local enquiry in person or by deputy or not as he may think fitting.—*Ibid, para.* 92.

Lists of the above two classes of cases.

1935. The Lieut. Governor is pleased to direct that whenever a charge, preferred before an Officer in charge of a Police Station, shall involve loss of property, a schedule of the property, said to have been lost, must be forthwith demanded and reduced into writing.—*Ibid, para.* 93.

In charges involving loss of property, schedule of property lost to be demanded and reduced into writing.

* It has since been rescinded by Act. 17 of 1862.

Enquiries by Police Officers how to be conducted

1936. Instructions having been given above as to arrests which should and should not be made, and as to the cases which should and which need not necessarily be made the subject of local investigation, it is proper to call the attention of Police Officers to section 52 to 58 of Act XIII of 1861 (144 to 150 Act 25, 1861) describing the manner in which the enquiries of the Police Officer should be conducted. It will be seen, that though contrary to the practice observed under the old law, no statements of evidence are to be recorded, and no confessions or admissions of guilt are to be extorted, the range of the Police Officer's enquiry is not limited. He may enforce the attendance of any person within the limits of his station knowing or supposed to be acquainted with the circumstances of the case under enquiry; he may examine them orally; he may take down in writing for his own use though not for evidence, the statement of any person so examined; he may commit to writing any voluntary admission or confession of guilt made by a person accused of an offence, for his own information and guidance, and though such admission or confession, unless it be made in the immediate presence of a "Magistrate," cannot be used as evidence against the person making it, it is important to note that if any fact be discovered by the Police Officer, in consequence of any information contained in such admission or confession of guilt, and be deposed to by the Police Officer, then such information may be received in evidence as laid down in section 58. For instance, A. accused of murder, voluntarily states, that he committed the murder with which he is charged, but he also describes the weapon used, and the place in which, after the murder was committed, it was deposited. If upon this the Police Officer should discover, in the place pointed out a weapon corresponding with that described by the accused, this would be a "fact" discovered in consequence of information given by the accused, and consequently if deposed to by the Police Officer, so much of the information given by the accused as led to the discovery of the fact, would be receivable in evidence against him. Again, B is charged with a theft of property belonging to C, he makes a voluntary admission of guilt which by itself would not be admissible in evidence against him. But he further describes minutely the premises and the means by which entry was made and the theft effected. The Police Officer, in consequence of this information, examines the premises, and finds the description given of them to be quite correct. He also discovers a ladder mentioned by the accused, as the means by which entry was effected. These discoveries will, under the law, be "facts" to which the Police Officer will be able to depose, and consequently so much of the information given by the accused as led to the discovery of these "facts" will be received in evidence against him.—*Ibid, para.* 94.

Confessions

1937. The Lieut. Governor has thought it proper to point out how far the admission or confession of guilt made by an accused person, may be used in evidence against him; but his honor must, at the same time, insist upon the strictest attention to the injunctions contained in Section 14 and 54 of the Act, (sec. 146 Act 25, 1861) that no Police Officer shall offer to a person arrested any inducement, whether by threats, promise or otherwise, to make any disclosure or confession. The person under arrest need not be cautioned or warned in any way against making disclosures, but these must be left to be entirely spontaneous, and then they may be used in the manner above indicated.—*Ibid, para.* 95.

Police Officer can arrest any person against whom reasonable evidence of criminality is elicited by enquiry

1938. It will have been understood that as the Police Officer, by section 28 (sec. 130 Act 25 of 1861) is authorized to arrest without warrant, any person against whom a reasonable suspicion of crime exists, so he must be authorized by the law, to arrest any person against whom reasonable evidence of criminality may be elicited by the enquiry to be made by Police Officers under sec. 44 and 45 of the Act. —*Ibid, para.* 96.

Police Officer to determine within 24 hours from arrest whether there are grounds for believing that the accusation is well founded

1939. The accused having been arrested, it becomes incumbent on the Police Officer to determine within 24 hours from the period of arrest, whether "there are grounds for believing that the accusation is well founded," or, in other words, whether the person arrested appears, from the information obtained within that period, to have committed the offence charged; that is, whether the "reasonable suspicion" that led to his arrest remains or has been removed. In the one case, the accused must be forwarded to the Magistrate at the close of the period stated, in the manner prescribed by sec. 60 (sec. 152 of Act 25, 1861) whether the enquiry has been completed or not.—*Ibid, para.* 97.

1940. In the other case, that is to say, when the reasonable suspicion, which led to the arrest of the accused has been removed, or sufficient evidence against him has not been obtained within 24 hours, the accused must be released on bail, or on his own recognizance, pending the completion of the enquiry and the orders of the Magistrate on the report of the case.—*Ibid, para.* 98.

Accused to be released on bail or his own recognizances if there are no such grounds.

1941. The Lieut. Governor assumes, that in the majority of cases contemplated by sec. 44 and 45 (135 and 136 Act 25, 1861) the enquiry of the Police Officer will have been virtually completed before arrest of the accused party, and that in other cases, in which arrest may have been made without warrant under cl. 2 sec. 28 (sec 100 Act 25 1861) there will be little difficulty in the bringing the enquiry to a close within 24 hours. In any case the prohibition of sec. 60 (sec. 152 Act 25 of 1861) against the detention of an accused person in custody for a longer period than 24 hours must be implicitly obeyed.—*Ibid, para.* 99.

Accused should on no account be detained more than 24 hours.

1942. Whether the parties arrested as above shall be sent into the Court of the Magistrate for trial under section, 59 or whether they shall be released on bail or on their own recognizances under section 61, the report of the Police Officer shall be drawn out in the form "charges taken" (App. No. 1 Form 1) which will exhibit all the particulars required by sec. 63. In the case of the former the Police Officer is expressly prohibited from expressing any opinion as to the guilt of the accused. In the case of the latter the Police Officer will certify on the back of the "charges sheet" the substance of the evidence obtained on the enquiry, or the absence of all evidence and the amount of the bail or recognizance taken.—*Ibid, para.* 100.

Charge Sheet.

1943. Form No. 1. Mofussil Police N. W. Provinces charges taken at—Police, Station on the—— day of——186 .

Number of Charge.	Date and hour when brought to Station and by whom.	Name, address and occupation of persons charged.	Charge.	Persons charging, Name, address and occupation.	Witnesses, Names and address.	Taken into custody by whom, and at what hour.	Property found on person or elsewhere and by whom	Weapons or instruments found, connected with the crime.	At the station house.		Signature of Police Officer taking the charge.	Number of charge.	Magistrate before whom the charge is brought.	Charge how disposed of by Magistrate and what offence proved.	Remarks by Magistrate.
									Detained in custody.	Hour admitted to bail or recognizance and amount.					

Ibid, Appendix No. 1, *Form* 1.

Every person brought up by the Police to a Magistrate charged with a criminal offence to be accompanied by a charge Sheet. If the enquiry be not completed within 24 hours accused to be forwarded with a short despatch.

1944. The following Questions and Answers are circulated for general information and guidance.

Question. Ought charge sheet A (charges taken) to accompany a prisoner to the Magistrate's Court, supposing the enquiry is not completed at the end of 24 hours ?

Answer. Every person brought up by the Police to a Magistrate, on charge or accusation of criminal offence cognizable by Police, should on every occasion be accompanied by a charge sheet, showing the charge on which arrested, and the witnesses, properties, or documents in support of the charges.

Q. If it should be sent with the accused (which I have always taken it for granted that it should by all the orders on the subject, and especially from what is laid down in Para 100 of Resolution 767 A) then what is meant by the words in section 152, Act XXV "with a short despatch ?"

A. This charge sheet will of course be prepared by the Officer making the arrest, whenever the enquiry has been completed or so far completed as to reveal the leading facts of the case.

When enquiry is per contra so imperfect, as to leave it doubtful whether the "reasonable suspicion" on which the accused was arrested, will be capable of confirmation or not, and yet that reasonable suspicion has not been removed, at the expiry of twenty-four hours, it is incumbent on the Officer in charge of the Station, to forward his prisoner, with a short despatch stating the charge and the grounds of suspicion on which arrested, and which are under investigation. The District Superintendent or Head Police Officer in attendance on the Magistrate, will draw up a supplementary or intermediate charge sheet, with which to adduce the prisoner before the Magistrate, and on which he should obtain an order for the detention of the accused, pending the investigation then being made by the Mofussil Police.

The charge sheet is the report referred to in Sec. 155 Act 25, 1861.

Q. Also if appendix No. 1 (charge sheet A) is what is alluded to by section 155 of Act XXV as stated in para 100 of Resolution 767A, then it would by the wording of section 155 imply that the "report" (Query special Diary or Form A ?) shall be forwarded "after the enquiry is completed."

The charge sheet prepared at the Police Station, is the form of Report by the Local Government, as prescribed in Section 155 Act XXV, of 1861, and on completion of the enquiry, the Officer in charge of the Station will fill up this form and forward the same, as the Report of the arrest and of the proofs of guilt obtained by his investigation. On receipt of this, the prisoner will again be brought up by the District Superintendent or the Head Police Officer in attendance, together with the witnesses and parties to the trial.—*Order of Inspector Gl. of Police N. W. P. No.* 1148, 22*nd April*, 1862.

Charge in the functions of the Police in detecting and prosecuting crime.

1945. An important change will take place in the functions of the Police in detecting and prosecuting crime. Hitherto the Police on receiving information of crime have been required to examine the prosecutor or informant upon oath, to record the statements or depositions of all parties cited or examined as witnesses, to interrogate the persons charged, and judicially to place upon record the defence made. They were not bound to forward to the Magistrate the prisoner whom they arrested, but were required to decide judicially on his guilt or innocence, to forward persons charged only if considered guilty, and to release on bail those against whom they thought sufficient proof did not exist.—*Police Manual, N. W. P. part*, 1 *para.* 15.

1946. The Police Commission propose there should be a complete severance of executive Police from judicial authorities, and that as the detection and prosecution of criminals properly devolve on the Police, no Police Officer should be permitted to have any judicial function (proposition 27); and further that the Police should not be used as an agency for the record of any evidence, confession, inquest or the like (proposition 68.)—*Ibid, para.* 16.

Severance of executive police from judicial authorities.

1947. The Police are not thereby debarred from making local enquiry, which in the majority of cases must be necessary for the detection of crime. The effect is to take from their investigation, every thing that partook of a judicial character and make them strictly Police.—*Ibid, para.* 17.

Police not debarred to make local enquiry.

1948. A Police enquiry is so long as it lasts secret in its character. A judicial trial, whether preliminary or absolute, is from the first a public one.—*Ibid, para.* 18.

Police enquiry is secret, Judicial trial public.

1949. As before, the Police will be bound to examine and interrogate any party likely to give evidence or a clue to it; but the statement made will not form in itself any record. In lieu thereof whatever amounts to evidence will be noted in the Diary of the Police Officer. This Diary will at the close of the enquiry be forwarded to the District Superintendent to be in the hands of the Police Officer attending the Court, a guide by which to advise the judicial Officer and to cross examine if necessary the witnesses adduced. The nature of the information to be expected from each witness must therefore be clearly shown, and any important particulars clearly but briefly recorded.—*Ibid, para.* 19.

Police to examine and interrogate party likely to give evidence.

1950. The superior Officers of Police at each Station will be held responsible that persons charged with crime are not detained at the Station. If arrest has taken place by any constable on duty, the head Officer of the Station will enquire into the nature of the charge and the evidence on which supported. If on such summary enqutry, the charge appears to be one not cognizable by the Police, or be frivolous in its nature, unsupported by proof, suspicious from known enmity between the accuser and the accused or other sufficient ground, he will at once discharge the accused from custody and refuse to act, unless under warrant or order of the Magistrate.—*Ibid, para.* 20.

Police to release prisoner if charge be not proved.

1951. If arrest has not taken place, he will after such summary enquiry pursue the same course.—*Ibid, para.* 21.

1952. If charge, be one cognizable by the Police, but refused in consequence of want of evidence, or on suspicion of being false or frivolous, he will enter the charge and the grounds of his refusal in the form B. appended to "Rules for guidance of Police Officers."—*Ibid, para.* 22.

To enter rejected charge in Form B.

1953. If the charge be of petty assault or other offence not cognizable by Police, and refused as such, it will be sufficient to enter notice of it in the station Diary.—*Ibid, para.* 23.

Rejected charge of offence not cognizable by the Police.

1954. Whenever the head Officer of the station considers the charge proved, or such as to demand detention of the prisoner pending investingation, he will at once forward the prisoner in custody or on bail to the nearest Magistrate or to the sudder station. The only admissible excuse for delay in doing so is where the day has so far advanced as to render arrival at the next Police Station impossible during hours of light, or where the prisoner himself applies for Police aid to obtain possession of any property or document in support of any statement he may have volunteered. In the latter case the application should be rejected if there is any magisterial officer within reasonable distance, and accepted only on written application by the prisoner or some agent unconnected with the Police Officer. Whenever a Magistrate is within reasonable distance, the prisioner will first be conveyed there and the Police will be guided by the orders they receive.—*Ibid, para.* 24.

If Police Officer consider the prisoner should be detained pending enquiry, he will at once forward prisoner to Magistrate.

Except in certain cases.

1955. The Police Officer will not be allowed to call upon any prisoner whom they may have arrested for his defence; but should the prisioner volunteer a statement they are to enter in the case Diary the substantial part of the statement, in case he should be called upon to appear as a witness in support of it.—*Ibid, para.* 25.

Police Officer not to call on prisoner for his defence but if he volunteer a statement to enter it in case Diary.

1956. As the Police are not authorized to judge of the value of evidence, or able to test it by full enquiry, they are not blameable for making arrest on evidence which on trial may prove false.—*Ibid, para.* 26.

Police not blameable for arresting on evidence which may on trial prove false.

Order of discharge by Police is not an acquittal.

1957. An order of discharge from custody is not, it must be remembered, an acquittal, but merely a release from custody, and refusal to detain unless backed by warrant of the Magistrate. It refers the accuser to the judical court for warrant or summons but in no way exonerates the accused from the imputation of guilt.—*Police Manual Part* 1, *N. W. P. para.* 27.

Nizamut Adawlut circulate copy of Inspector General's letter.

1958. The Court are pleased to circulate, for the attention and guidance of all Magisterial Officers, the subjoined reply from the Inspector General of Police, N. W. P., No. 29A, dated the 12th instant, to a letter addressed to that Officer by the Court, bringing to his notice that in some Districts the Magistrates had complained of misconduct on the part of the Police in arresting and sending in persons, against whom no sufficient evidence had been obtained.—*C. O. No.* 11, 31*st May* 1862, *para.* 1.

Magistrates to record in Charge Sheet when a person has been arrested on unsufficient ground.

1959. Magistrates are directed always to record a notice in the column of remarks in the charge sheet, of any such erroneous practice on the part of the Police whenever it may be discovered; whether the person improperly arrested be forwarded for trial, or be released on bail.—*Ibid, para.* 2.

Magistrates to record in the column of remarks in the Charge Sheet whatever defects, errors or irregularities he finds in the proceedings of the Police Officers.

1960. I have the honor to acknowledge the receipt of your letter No 633, dated 30th ultimo, with its enclosure, from the Magistrate of Mirzapore. para 1. It is exceedingly difficult to get District Superintendent of Police and Magistrate to understand their relation to each other. The former is intended to work under the direction and control of the latter, and it is the part of the Magistrate to correct any error or percipitation, in the proceedings of the Police, in the exercise of the authority vested by law in the Police, para 2. There is a column in the charge sheets headed "Remarks by the Magistrates," and if Magistrates would scrupulously and invaribly notice under this column any defects or misconduct of the Police in their proceedings, or in the performance of their duties, Discrict Superintendents would acquire instruction, gain experience, and be able to reprove or correct their subordinate Police, para 3. But irregularities or faults found by Magistrate in cases brought before them are not recorded in the charge sheets, or notified to the District Superintendents, para 4. It is undoubtedly true, that the abolition of the Police *quasi* judical record of evidence, has caused many cases to be compromised between the departure of the parties from the Police Station, and their arrival in Court. This will probably be remedied by time. para. 5. But, on the other hand, arrests are frequently made without precautionary enquiry, or sufficient determination as to whether "reasonable ground of suspicion" attaches to justify arrest of accused persons or not, and if Magistrates will record their opinion or the grounds on which fault is found in cases, in the charge sheets, [whether the person arrested be forwarded for trial, or released on bail, (and in either case the charge sheet is laid before the Magistrate),] there is hope that unwarranted arrest will be less frequent para. 6. If the Judges of the Sudder Nizamut Adawlut will direct these records to be made, it would be of great assistance to the Inspector General of Police N. W. P. para 7.—*Letter of the Inspector General of Police No.* 29 *A*, 12*th May* 1860.

SECTION XIV.

RELATION OF THE POLICE TO THE MAGISTRATE AND ORDERS TO THE POLICE.

Some misapprehension may at first arise on the connection of the Police with the Magistracy.

1961. Some misapprehension may possibly arise on the connection of the Police with the Magistracy. On the one hand the Magistrate may fancy his authority undermined, and believe that he is held responsible for the Police administration of, and for the preservati on of peace in his district, whilst he has no power over the Police itself. On the other hand the District Superintendent may not understand how he can fairly beheld responsible for the effeciency of the Police in the performance of their functions and at the same time be subordinate to the Magistrate.—*Police Manual Part* 1, *N. W. P. para.* 6.

1962. Propositions 24 to 26 inclusive show the separate departmental duties of the District Superintendent and the following seven propositions point out the degree of subordination of the Police to the Magistrate in their executive capacity.—*Ibid, para.* 7.

1963. It must be borne in mind that the Police is not in any way antagonistic to the Magistrate. It is on the contrary intended to be the right-hand of the Magistrate in the Police administration of the District, to be the means and the instrument whereby he can effectually and successfully maintain order, suppress and detect crime, and bring the offender to punishment and misunderstanding and misapprehension arise from misconception on this point.—*Ibid, para.* 8.

Police is the right-hand of the Magistrate.

1964. The District Superintendent is individually responsible that the men he selects are able physically and mentally for the duties required of them, that they are men of good character, that they are properly drilled and properly instructed in the duties required of them, and in the manner in which those duties are to be performed, that they perform those duties with punctuality and regularity, and that every order is implicitly obeyed. Failure or success in these duties can only be tested by practical results, and therefore on the District Superintendent will devolve the maintenance of the public peace, and the prevention and detection of crime, but subject to the general administrative and judicial control of the Magistrate (vide proposition 25.)—*Ibid, para.* 9.

How far District Superintendent is responsible and subordinate to Magistrate.

1965. The interposition of the Magistrate will in all probability, should certainly, be regulated by the character and qualifications of the District Superintendent. Until the Magistrate is assured that the District Superintendent is in every way fitted for the responsible position he holds, he will necessarily be minute in scrutinizing the conduct of the Police, and in testing their vigilance by a constant reference to diaries, the return of crime committed, and the proportion of offenders brought to trial and convicted. When assured that the Police are worked well, that under the direction of the District Superintendent crime is suppressed and order preserved, he will naturally spare himself the labor of close supervision for which he has not spare time.—*Ibid, para.* 10.

Interposition of Magistrate to be how regulated.

1966. The duty of detecting and prosecuting crime is one of greater difficulty, and a duty requiring some experience, a knowledge of criminal classes, of their habits and resorts, and ability to perceive a clue however small, and to work upon that clue. This experience and training, Police Officers have not had ; and it will be harsh to expect any great amount of success until they have gained experience and local knowledge.—*Ibid, para.* 11.

Detecting and prosecuting crime.

1967. In these matters the aid and assistance of the Magistrate will be of necessity required by the District Superintendent on all occasions of more than ordinary difficulty. It would be at present in expedient to deprive the Police and public of the valuable aid and supervision of the District Officer, (proposition 28) and therefore the Civil Constabulary under its own officers shall be responsible to him, and under his orders for the executive Police administration, (proposition 29) and the general reponsibility for the well being of the District shall continue to be vested in the District Officer as the conservator of the peace of the District, (proposition 33) and whatever the theory of the entire separation of Police from justice, the Magistrate being held responsible for the Police administration, is the sole judge of the extent of interference with and supervision over the Police, which should be exercised. It is the sole duty of the Police to give implicit obedience to his directions.—*Ibid, para.* 12.

In those matters aid and assistance of Magistrate will be required by District Superintendent.

1968. The administration of the Police throughout the local jurisdiction of the "Magistrate of the District" is by sec. 4 Act. V. of 1861 vested in the District Superintendent of Police under the general control and direction of such Magistrate. The District Superintendent is at the head of the Police Force employed in the District. He is responsible that the duties devolving upon them shall be properly and efficiently performed, that the discipline of the force shall be maintained, that orders of the judicial or other competent authority shall be promptly and correctly obeyed, and that the subordinate officers and constables shall be at their posts. It follows that all communications between the Magistrate and the Police force must be conveyed through the District Superintendent, and that the subordinate Police shall receive all instructions and orders from him, who is their immediate superior. The several reports, informations, and returns required to be made to the "Magistrate" or the "Magistrate of the District" under Sections 40, 41, 46, 59, 60, 61, 63, and 68 will therefore be made by the subordinate Police to their head, the District Superintendent, and all orders issued by the Magistrate will be issued to the District Superintendent or to the Head-officer of Police in attendance in the Court of the Magistrate.—*Govt. Res.* No. 767 *A*, 2*nd July* 1861, *para.* 102, *N. W. P.*

Administration of Police vested in the District Superintendent subject to general control and direction of the Magistrate of District.

Superintendent to lay before Magistrate all informations and reports.

1969. It will be the duty of the District Superintendent to lay before the Magistrate of the District, or where ruled the Magistrate having jurisdiction all information, reports, or returns received from the District Police without delay and without omission.—*Ibid, para.* 103.

Orders of Magistrate.

1970. The orders of the Magistrate will be either in the shape of warrants, summons, subpœnas, or other process, or in the shape of specific instructions on special points.—*Ibid, para.* 104.

Order Book.

1971. All orders other than warrants or other process will be entered in an "Order Book" to be kept for the purpose in each Magistrate's Court. Warrants or other processes will be entered in the register (form No. 3, in appendix.)—*Ibid, para.* 105.

Communication of orders to the District Police.

1972. In communicating such orders to the District Police, it is not necessary that separate orders or perwanahs should be addressed. Much unnecessary manual labor is incurred by this practice. In lieu an extract from the "Order Book" should be sent to each Chief Constable or Inspector containing all orders applicable to him, that have been issued during the day in the manner shown and in the following exemplar.

Police orders dated

To

CHIEF CONSTABLE OF

POLICE STATION.

Division A.

A. Prisoners Gunga and Ramdyal released on bail, reported in charge sheets No. 13 to be discharged.

B. Enquiry to be made in complaint of aggravated assult, reported in 14th entry of Diary of 30th August. If proved, accused parties to be forwarded with customary charge sheet.

C. Reports on charge sheet refused Nos. 4 and 6, dated 29th August approved.

D. Your refusal to arrest Shookha charged with arson on ground of their being no reasonable ground of suspicion disapproved of. You are directed to enter into local enquiry, and after enquiry to act according to circumstances elicited.—*Ibid, para.* 106.

Registry and return of extract of orders.

1973. These extracts, when received by the Police Officer to whom addressed, will be entered according to date of receipt in his station order book, and so soon as the orders received have been carried out, the extract will be returned, endorsed with the reports of the manner of execution in following manner.

Order. A. Prisoners discharged 2nd September.

" B. After enquiry Lalla Brahman transmitted on bail with charge sheet No. 21.

" C. Reply entered on station check report.

" D. Sheet of "charge refused" No. 9 sent in showing reasons after full enquiry for not proceeding to arrest pending orders. Dated 4th September.

CHIEF CONSTABLE.—*Ibid, para.* 107.

Adjournment of trial of persons under custody.

1974. The Honorable the Lieutenant Governor is pleased to direct that whenever the trial of a person, who is detained (pending the result of trial) under custody of the Police shall for any reason be adjourned, a day shall be fixed by the Magistrate for the re-hearing of the case and it will be the duty of the District Superintendent to ensure the punctual attendance of the prisoner on the day-fixed. By these means the inconvenient and unnecessary labor imposed upon the Police of conveying and guarding day by day a number of persons to the Magistrate's Court whose attendence is not required will be avoided.—*Ibid, para.* 109.

Correspondence between Inspector General of Police and Magistrate of Shahjehanpore on several points connected with the Police administration of a District.

1975. The following correspondence is circulated for guidance of Police Officers and information of Magistrates of Districts.—*C. O. Inspector General of Police N. W. P. No.* 6, *27th March* 1862.

Para, 20 of a letter No. 36, dated 24th January 1862, from the Magistrate of Shahjehanpoor to the Inspector General of Police N. W. P.

20th.—I now proceed to notice what I consider some of the most glaring defects in the new Police system.

1st. It appears to me altogether an anomaly to hold the Magistrate under the new system in any way answerable for the Police administration of the District. The Magistrate has nothing to do with the selection and appointment of the Police, so how can he with justice be looked on as in any way responsible for the work they perform. Again the diaries, reports, &c. do not reach the Magistrate till they are at least two or three days old ; it is a simple absurdity to hold a Magistrate responsible for the unravelling of a case which he has not even heard of until days after it has taken place. As matters now stand no Magistrate can set an outsider at work to discover a theft or to recover stolen property ; if he does so an antagonism would at once spring up between him and the District Superintendent. It is all very well talking about both Offiers working for the Public good &c. ; the joint stock company will not answer. I am not going into the question of propriety of extending the powers of Magistrates and reducing those of District Superintendents or vice versa, but this much I can unhesitatingly assert that the power and responsibility must and can only rest in one Officer.

2nd. The great delay which occurs in the decision of cases and the consequent hardship on the parties and witnesses connected therewith. Under the old system as a rule every perwanah to the Police was despatched from my Office the same day that the order was passed. Under the new system the order is written on the misl and in a book ; the latter reaches the District Superintendent the following day : and may or may not be issued the same day to the Police, when it comes back, it has in the same way to come through the District Superintendent's Office. In fact every reference to the Police must necessarily entail a delay of at least two or three days more than under the old system. Similarly in the issue of process, the order is passed by Magistrate, made over to the Inspector and after a game of battle dore and shuttle-cock between the two Offices, the process is sent by the Inspector to the Police Station. It may be argued that under the old system the process was served direct from the Magistrate's Cutcherry, and as it is now sent by dâk to the Police Station nearest to which the person cited lives, some delay is thereby necessarily saved. It must however be remembered that processes are only served in petty cases, and that this style of case is seldom instituted by persons residing a very long distance from the Sudder Station, a person can travel easily 20 miles in 12 hours whereas the dâks leave the Sudder Station in the evening, and no order sent by it will be perused by the Police till the following morning. When the parties in a case do reach the Superintendent's Office, it frequently happens that he is too much engaged to forward them the same day to the Magistrate. But perhaps the most striking and unnecessary instance of delay occurs, when the Magistrate is in the interior of the District, say 30 miles distant from the Sudder Station. A theft which occurs within a hundred yards of his tent, under the old system would be decided the same day : now the papers have to be sent to the District Superintendent and the chances are the case is not finally disposed of under a week. This I think might be easily remedied to a great extent.

3rd. But to my mind perhaps the greatest mistake in the new Police system is that not making it incumbent on the Chowkeedars to report *regularly* at the different stations. Formerly Chowkeedars were obliged to report a certain number of times during the week at Thanahs concerning their villages ; they would then when questioned by Thanadar, seldom conceal the commission of a crime. Now the reverse is the case A man, if he has had a simple burglary committed in his house, or even a few rupees worth of property stolen, is generally much more content to suffer his loss than to have the infliction of a visit from the Police ; the Zemindar and Chowkeedar will only bring trouble on themselves by reporting the case, and thus every one is interested in hushing it up ; this requires no trouble and involves little risk, they have only to sit still. The Chowkeedars do not look on themselves now as connected with the Police, the remark made by one, when the order, that his daily attendance at the Thannah was not now necessary and which subsequently came to my ears "Ab chootah" is I expect a sentiment shared by all. But it is a mistake to suppose that the Chowkeedars have now nothing to do ; the Zemindars I believe generally make them work on their own account. It is only two days ago that a case came before me, in which a Chowkeedar had received a sound thrashing from the Zemindars for not having performed their private work ; they urging that he has now nothing else to do. I do not mean to say that under the new system heinous cases will be generally concealed, but even this is by no means

improbable, when for instance, a murdered man be a stranger and has no friends or relatives in the village &c, I refer especially to cases of petty burglary and theft. To prove too that my surmise is correct, I beg to forward a statement (Appendix A.) which I have had carefully prepared. This shows the burglaries and thefts said to have taken place during the last four half years both for above and under fifty Rupees of property. A glance at this will show that during the last six months (since when the new Police system has been in full play) the number of burglaries and thefts, and amount of property stolen in cases exceeding fifty Rupees have been about double that of any other six months. Those cases in which property under fifty Rupees have been stolen have not increased. Now I take it as an acknowledged fact that both under the old and new system, cases in which property exceeding fifty rupees was stolen were as a rule correctly reported, for the parties interested would strain every nerve to recover their lost property. A moment's consideration will show that the returns of cases of property stolen under fifty rupees are for the last six months entirely false; the idea that the heavy cases of burglary and theft have so greatly increased without a corresponding increase in petty cases is of course absurd and cannot be for one moment entertained. I am aware that under the old system the petty cases of burglary and theft were to some extent not reported; but the more this is admitted the more apparent and conclusive is the untruthfulness of the present Returns. It must not be forgotten too that during the last six months grain has been cheaper than it has been for years; crimes ought therefore to have decreased rather than increased. But it may be urged that if the person robbed does not himself demand an enquiry, there is no necessity for the case being reported at the station. To this I would reply that the efficiency or otherwise of the Police can only be tested by true and accurate returns of crime committed, offenders brought to justice, and stolen, property recovered.

INSPECTOR GENERAL'S REPLY.

I am desired by the Inspector General of Police to acknowledge the receipt of your annual report for the past year, to which an immediate reply appears necessary, in order to rectify errors of procedure which you suppose to be defects in the system. (2) The objections you make are, the responsibility of the Magistrate of the District cannot be enforced, because, 1st. he has no voice in the selection and appointment of the Police, 2ndly, because the diaries, reports, &c. do not reach the Magistrate until they are at least two or three days old, 3rdly, the delay that occurs in bringing parties before the Magistrate and transmitting his order to the Police. 4thly, the discontinuance of the periodical report by Chowkeedars of the state of their villages. (3) With reference to the first objection the Inspector General would remark that the appointment by the District Superintendent of Inspectors, requires the approval of the Magistrate of the District, before such nominations are conformed by him, (vide para 19 of the first circular issued from this office). The lower grades are to consist of men enrolled as recruits, subsequently trained and educated by the District Superintendent, and promoted according to their efficiency, intelligence, zeal and character. To this duty the Magistrate of a District has no time to devote. His occupation is of a far higher character, and the Inspector General has no doubt but that in time you will see the advantage of having an officer for the performance of this duty. Every other Magistrate from whom annual reports have been received certifies to this advantage, and the Inspector General has no doubt but that when other errors are rectified, you will agree that the concurrence of the Magistrate being required in the appointment of the officers, that is Inspectors, the promotion of the subordinate officers from the ranks should rest with the officer by whom they are trained and worked. (4) The second objection is altogether from error of procedure on the part of the District Superintendents. The law (sections 135, 153, 155 and 161 of Act 25 of 1861) provides for the immediate submission to the Magistrate of all reports or informations connected with crime. The station Diary or charges sheets A or B are the papers in which these Reports are entered, and all that is required is to ensure that these reports are laid before you without delay. (5) From the tenor of your letter, the Inspector General of Police concludes that the principle, that in the absence of a superior Officer the next in rank has the duties, powers and responsibilities of his superior, has been lost sight of, that, when apart from the District or any subordinate Magistrate, the diaries &c., are sent out of the way in order to pass through the District Superintendent. If the In-

spector General is correct in his assumption, this must be rectified,. (6) The District Superintendent should have from you standing orders as to the Magistrate having jurisdiction both for receipt of information and for disposal of charges brought up by the Police. (7) The Inspector General thinks the following adopted generally will prove the most expedient.

(8) That all attempts at petty theft, all incomplete burglaries &c., or simple thefts below ten Rupees be left to the District Superintendent. All reports of theft above 10 Rupees, and of other crimes cognizable by Police are to be made to the Officer in charge of the Pergunna. That charges of petty thefts are to be brought up before the subordinate Magistrates, either at the Sudder or in the Mofussil as you may dictate, that charges of other crimes to be specified are to be laid before the officer in charge of the Pergunna; charges of any crime you wish to reserve for your own consideration, together with first reports of such being laid before you. This is only an exemplar of what the Inspector General believes is found to work best, but he does not wish in any way to advise you as to the distribution of the work, but it is necessary that the District Superintendent should know exactly to whom to lay his information &c., and it is then his duty to see that no delay occurs in doing so. (9) The diaries should be first laid before the Magistrate, for orders on crimes reported. It is not necessary or expedient that they should go to the District Superintendent himself, unless he is with the Magistrate. If absent, the proper course is for the head Police Officer in attendance to perform this duty. (10) For instance the Inspector General supposes Mr. Willock to be in charge of Tilhur and out in camp on circuit duty, Mr. Reaves being at Shajehanpore. The diaries, charge sheets &c, of the Tilhur Police Station, and of any other falling within his jurisdiction should not be sent to Shajehanpore for Mr. Reaves' inspection until the orders of Mr. Willock have been received thereon. In lieu they should be sent to the head Police Officer in attendance on Mr. Willock, who will lay before him all reports of which he has to give information, receive in his order book and issue to the Police, such orders as may be given, and then forward the diaries to the District Superintendent for perusal, and any further orders that may be necessary in connection with Police duties and their performance. (11) It is more important that orders on crime committed should be obtained without delay, than that the orders of the District Superintendent on his Police matters should be attended to. With the former, the Magistrate has only to deal; with the latter the Magistrate has no interest. (12) *Thirdly.* Delay in transmitting and executing orders. (13) For this Mr. Reaves, and the Deputy Inspector General are to blame, not the system, which has been formed expressly to expediate not to retard. Formerly an order was rarely sent out before the second or even the third day. The whole bundle of papers left the Magistrate's desk for the *Razenamcha Nuvee's* Office. After all orders were transcribed in the diary, they were then sent to the *Perwana Nuvees*, and after separate *perwanas* were written, and copies entered in the Register, they were forwarded to the Nazir for transmission by Dâk. This you will admit to have been the practice throughout the country. (14) The course now laid down is that any order to the Police, other than orders of summons to attend the court, shall be taken down in the Police order book. The diary is thus kept up contemporaneously with the issue of the order, and by the same day's dâk an extract of the orders of the day should be sent to each station to which applicable. The manual labor of writing is reduced more than one half, and there certainly need not be the loss of any time at all. The Police on Tuesday should be in receipt of all orders issued on Monday. All orders of summons, or of warrant, whatever the nature of the process, are on the other hand given by the Magistrate in writing, to the Police Officer for execution. All the Police Officer has to do is to enter them in his register, the process is then ready for despatch to the Officer by whom to be executed. It is hardly possible that delay can occur except by neglect. In his tours of inspection, the Inspector General found the Magistrate's order books, crammed with orders of summons. Again the Police were called upon to perform duties which do not attach to them (e. g. to report whether a field had been injured by cattle trespassing, and if so, the extent of the loss, to cover in wells &c.) which they should not be called upon to perform, and which the law and orders of Government prohibit their performing. The Inspector General found also the judicial orders of the Magistrate entered in the Police order Book. (15) It may be as well for you to see whether this is the case also in Shajehanpore. If so, you may find this is a contributing cause of the delay of which

you complain. (16) If the orders issued to the Police are confined to the duties devolving upon them under the law of Act V. of 1861, you will find that such orders (excepting execution of process or delivery of injunction) will be of few occurrences and it is in the province and duty of every Magistrate, whatever his designation, to complain whenever delay occurs, and it is the first duty of the District Superintendent to enforce punctual and immediate extention of your orders. (17) *Fourthly* Discontinuance of reports made by village Chowkeedars. (18) It is not intended that the Chowkeedar should discontinue reporting to the Police Station any event which occurs, or is likely to occur. All that is intended is that the Chowkeedar shall not leave his village in order to report that he has nothing to report. Whenever any circumstance occurs or is likely to occur either in the village or the neighbourhood, it is the duty of the village Chowkeedar to give information thereof as before. (19) The objections to the old system are more than one. 1*stly*. The report that all was well was not trustworthy. 2*ndly*. It was useless. 3*rdly*. It was mischievous as it rendered necessary the absence of the Chowkeedar from his village, and it gave this official opportunities of committing depradation on the road, which he will not commit in his own village. (20) In order to ascertain that crimes are reported and to collect information of every kind affecting the public peace or welfare, the village Police Stations or outposts are divided or ordered to be divided into beats, each beat having two or three constables permanently attached thereto. These constables are intended, whenever not otherwise required, to visit the villages, serving any processes, that have to be executed, and enquiring from the Chowkeedars, the head men and others, of all occurences, not only connected with crime, but also all connected with the good order, security or welfare of the village. (21) The Inspector General admits there must be a state of transition, that until the constables understand the full meaning and importance of the duty falling upon them, and they become intimately acquainted with the leading men of their beat, particularly with the bad or suspicious characters, and acquainted with the under current of events, the information now obtained through the medium of the chowkeedars will be smaller. But this state of transition must be gone through, and all that can be done is to shorten its duration as much as possible, by instructing and disciplining the constables and other Officers of the Police. (22) The Inspector General puts it to your experience and judgment, whether the duty depicted being faithfully and intelligently performed, the results are not likely to be better. (23) A Chowkeedar or Zemindar withholding information becomes liable to punishment under section 176 of the Penal Code; while section 186 or in case of intimidation section 189, will meet any attempt of a Zumeendar to force the village Chowkeedar, who is now a Police Officer to depart from his duty. The Inspector General trusts this letter may show you that the defects noticed by you, are not in the system but the defective manner of working the system.

SECTION XV.

GUARDS AND ESCORTS FURNISHED BY THE POLICE,

See Government Notification No. 289 *A*, 12*th June* 1861 (1600) *and see* 1592 *to* 1598 *and* 1601.

Personal Guards to certain Officers

1976. It appears to his honor the Lieutenant-Governor that sufficient reasons are assigned for allowing a personal guard to each of the following officers on the scale entered opposite each.

	At Head Quarter.		When on tour.	
Judges of the Sudder Dewanny and Nizamut Adawlut, each ..	1 Head Constable and 4 Constables.		1 Head Constable and 4 constables.	
Members of Sudder Board of Revenue, each	Ditto	ditto	Ditto	ditto
Secretary to Government, ...	Ditto	ditto	Ditto	ditto
Each Commissioner, ...	Ditto	ditto	Ditto	ditto
Commissioner of Customs, ..	Ditto	ditto	Ditto	ditto

	At Head Quarter.	When on tour.
Judges,	.. 1 Head Constable & 4 Constables.	
Magistrates,	.. Ditto ditto	1 Head Constable &4 Constables
Inspector General of Prisons	..	Ditto ditto
Director of Public Instruction	..	Ditto ditto
Inspector General of Police	.. 1 Head and 4 Constables	1 Head and 8 ditto

The cost of the Guard will be charged by each Officer in a contingent Bill and the money will be paid by each to the Police Officer providing the Guard.—*Govt. Resolution N. W. P. No.* 675 *A, 2nd July* 1861.—*And No.* 1087 *A, 10th Oct.* 1861.

1977. The Chief Officer of Police in any District or Town who is required to supply any Public Department or office with Police shall charge to such Department or office the actual pay of the guards furnished, with an additional charge of ten per cent. on the amount of the Bill towards the expense of European supervision, cost of Arms and Accoutrements, Clothing &c.—*Govt. Order No.* 2005, *4th Nov.* 1861, *para.* 1.

Chief Police Officer supplying any Department or office with Police to charge it with actual pay of guard furnished and 10 per cent. in addition.

1978. Bills for the cost of the Police supplied shall be presented, at the end of every month, to the Head of the Department or office employing them, and such Bills shall be paid *in cash* on or before the 15th of the ensuing month.—*Ibid, para.* 2.

Bills to be presented at end of month and to be paid in cash.

1979. The whole of Police employed and paid, and their cost, will be shown in monthly Police Abstract, and the sums to be received from the different Departments will be deducted from the Abstract, the balance only being drawn from the Treasury.—*Ibid, para.* 3.

Whole of Police supplied and the cost to be shown in monthly Abstract.

1980. Cash payments being considered essential as a check upon the Departments employing Police, no Bill for Police supplied, though countersigned by the Head of a Department or Office should be accepted in Police Accounts as a voucher for a charge. The Police Abstract, though exhibiting the whole number of Police employed on whatever duties during the month, will charge for, and will be passed only for the fixed amount sanctioned by Government, cash receipts being shown for all additional Police supplied to other Departments.—*Govt. Order No.* 2005, *dated 4th Nov.* 1861, *para.* 4.

Cash payments essential.

No bill to be received as a voucher in Police accounts.

1981. The following Rules are circulated for general information and guidance.—*C. O. Inspector General of Police N. W. P. No.* 13, *3rd June* 1862.

1982. The strength of the Police Guard to be furnished for each Jail, will be decided by the Officer in charge of the Prison, subject to the orders of the Inspector General.—*Ibid, Rule* 1.

Strenth of Jail Guards how determined.

1983. The duty of the Police Guard is to resist by force, all attempts made to break into, or out of, any part of the Jail, and to aid in the suppression of all violent breaches of discipline, or opposition to authority on the part of the prisoners.—*Ibid, Rule* 2.

Duty of Police Guards.

1984. The Police Guard are not to take any part in the daily routine, discipline of the Jail, or to assist in searching the prisoners &c.—*Ibid, Rule* 3.

Police not to take part in daily routine, &c.

1985. They are to be kept, as much as possible, from being brought into contact with the prisoners.—*Ibid, Rule.* 4.

1986. No Native Officer or constable, is to enter the Jail without his uniform and accoutrements, and Police Officers are to see that Constables, moving from one part of the Jail to another, march in regular rank and file, as when relieving Guard.—*Ibid, Rule* 5.

Police not to enter Jail without uniform, &c.

1987. No Officer or Constable is to hold any communication with a prisoner, either by word or sign, and they are strictly prohibited from bringing anything, of whatever description, from the outside of the Jail to any prisoner, and from receiving anything from a prisoner for conveyance outside the Jail. —*Ibid, Rule* 6.

Police not to hold communication with prisoners, &c.

1988. The points at which Sentries are to be posted, shall be determined by the Officer in charge of the Jail.—*Ibid, Rule* 7.

Sentries.

1989. No Sentry is to be relieved, except in the presence of an Officer.—*Ibid, Rule* 8.

1990. Every Sentry is to mount Guard, with his musket loaded and capped.—*Ibid, Rule* 9.

1991. On being relieved, the Sentry is to pass his loaded musket on to the relieving Constable, taking in exchange the unloaded weapon.—*Ibid, Rule* 10.

Prisoners to be counted by Jail Darogah before locking up for night in presence of Police Officer

1992. Before locking up for the night, the prisoners will be counted over by the Darogah of the Jail in the presence of the Officer of the Police Guard, the keys will then lodge with the Officer in Command of the Police Guard, who will thence forward be responsible that no prisoner escapes over, or through the wall of the Jail.—*Ibid, Rule* 11.

Responsibility of the Jail Darogah and establishment.

1993. The Jail Darogah and his establishment are primarily answerable for the safe custody of the prisoners during night as well as day. The Darogah will see that all prisoners are securely confined in their sleeping barracks from the time of the evening lock-up, and will take measures for the secure watch and ward of the barracks by the Contingent Guard.—*Ibid, Rule* 12.

Responsibility of Jail establishment and Police for escape of prisoner.

1994. In the event of any prisoner escaping, the Darogah and Jail establishment will be held responsible for the escape from the Barrack ; the Police for the escape over or through the wall, unless able to prove that such did not occur through culpable neglect.—*Ibid, Rule* 13.

Round.

1995. The Officer in charge of the Guard, will make the round of the Sentries twice during the night.—*Ibid, Rule* 14.

Duty of the Police during the day.

1996. The duty of the Police during the day, is to be present at their post for the suppression of disturbance, and to prevent any body having ingress to, or egress from the Jail, unless accompanied by an Officer of the Jail, or furnished by a pass from the Officer in charge of the Jail.—*Ibid, Rule* 15.

1997. The Police Officers and Constables on duty at the main Guard, shall never be absent from the Guard-room, under any pretence whatever.—*Ibid, Rule* 16.

Reports by the Officer in charge of the Police.

1998. The Officer in charge of the Police, will report morning and evening to the Officer in charge of the Jail, and also to the District Superintendent of Police, whenever any Prisoner is found wanting or any thing occurs to prevent his perfect fulfilment of the above orders. He will also report to the Officer in charge of the Jail, whenever the Jail is visited by that Officer, the fulfilment of the orders hereby given to him.—*Ibid, Rule* 17.

How the Police Officer on duty at the Jail is to act in case of disturbance.

1999. In the event of any attempt to break Jail, or any other disturbances occurring, the Guards shall immediately be placed under arms, by the Officer on duty, who shall at once despatch a messenger to the Jailor, the Officer in charge of the Jail, and his own Officer. All Sentries are, in such cases, to be loaded, but the Guard is not to act until the arrival of the Jailor, or Officer in charge of the Jail, unless to rescue and save the life of any Jail official, towards whom the Prisoners are actually committing violence, or to drive back the Prisoners in the event of their forcing the gate.—*Ibid, Rule* 18.

How is he to act if delay be considered dangerous.

2000. If however, the Prisoners should actually assault the Jail Officers, or attempt to break out of any particular ward or yard, and the Darogah should consider that it would be dangerous to delay, and should call upon the Officer Commanding the Guard to act, the Officer shall detach a party to the spot, with orders to rescue the Officers, and prevent the Prisoners from breaking out. The Officer, on arriving at the scene of disturbance, shall give notice to the Prisoners in a loud tone of voice, that if they do not immediately submit themselves, they shall be fired upon. This warning shall (if circumstances admit of delay) be repeated thrice, and if there appear no other means of quelling the disturbance, he shall open a fire upon the refractory Prisoners, which he shall be careful to stop, the moment they fly or submit. On the arrival of the Magistrate, District Superintendent of Police, or other Officer, the Guard shall act under their orders, or under those of either of them.—*Ibid, Rule* 19.

Place of assembly of guards to quell disturbances.

2001. As the exact place of assembly of the Guards to quell disturbances, will vary with the construction of particular Jails, it will, in each Jail, be made known to the Guard by the Officer in charge of the Jail.—*Ibid, Rule* 20.

Sentry to present arms to certain Officers.

2002. On the approach of the Magistrate, the Inspector General of Prisons, the Judge of the station, or any superior Officers connected with the Jail, the Sentry is to stand ready, facing to his proper front, and to present arms, when any such officers passes in front of him.—*Ibid, Rule* 21.

2003. Sentries are to enforce firmly the orders given to them, without distinction of persons.—*Ibid, Rule* 22.

Duty of sentry

2004. It is the duty of all sentries to protect, as far as may be in their power, the stores and property belonging to Government, although not actually delivered to their charge, and to prevent, not merely the escape of the Prisoners, but all unauthorized communication with them. They are directly responsible that no ingress to, or egress from the Jail interior is effected over the outer wall of the Prison.—*Ibid, Rule* 23.

Duties of Police guard to be written in vernacular and hung up in guard-room.

2005. The duties of the Police Guard are to be written in the vernacular language of the District or Province, and hung up in the Guard room, and officers posting Sentries, will be most particular in observing that the Sentry relieved, gives distinct and proper instructions to the relief.—*Ibid, Rule* 24.

Other orders or requisitions.

2006. Any further orders, or requisitions for the performance of duties other than those here laid down, will be delivered by the Officers in charge of the Jail, to the District Superintendent of Police, or to the superior Police Inspector present in the station.—*Ibid, Rule* 25.

Guard continues under District Superintendent.

2007. In all matters of discipline, the Guard continues under its own District Superintendent, who will relieve the Jail Guard as often as it appears to him advisable.—*Ibid, Rule* 26.

Relief.

Rules relating to Jail Guard and escort of Life prisoners.

2008. Under the direction of the Hon'ble the Lieut. Governor N. W. P. I have the honor to circulate the following rules, relating to Jail Guards and escort of Life Prisoners.—*C. O. Inspector General of Police N. W. P. No.* 3, 23*rd January* 1862.

Change of guards.

2009. Police employed as guards over all central prisons will be changed every three months; guards over station jails once a month.—*Ibid, Rule* 1.

Inspection of Guards at central Prisons by Deputy Inspectors General.

2010. Deputy Inspectors General, when at Head Quarter Stations, are directed to make a thorough inspection of the guards at central Prisons, at least once a week; the inspection will extend to an examination of their huts, bundles, and clothing, as well as their accoutrements, &c. &c. After each inspection, a verbal report will be made to the officer in charge of the prison of the result thereof, as also of any measures which he may have thought needful for the correction of any abuses, or the removal of any defects that he may have discovered.—*Ibid, Rule* 2.

Despatch of transported prisoners.

2011. District Superintendents of stations where there are central Prisons, will inform the Deputy Inspector General, of the date of probable despatch of prisoners under sentence of transportation towards Allahabad.—*Ibid, Rule* 3.

What would the Deputy Inspector General do on such occasions.

2012. The Deputy Inspector General will ascertain that the guard is composed of trustworthy and disciplined men, under officers who can be relied upon to prevent any tampering with the men. The bundles and persons of the men of the guard, as well as of the prisoners will be strictly examined, and any files or other instruments, which can be used to loosen or weaken the chains of the prisoners will be taken away.—*Ibid, Rule* 4.

Officer in charge to report arrival of party at each police station enroute.

2013. The officer in charge will report arrival of the party at each Station *enroute*, and the District Superintendent or senior Police Officer present, will take the same precautions on relieving the guard, or renew the inspection as ordered above should the guard not be relieved—in either case reporting what he has done to this office.—*Ibid, para.* 5.

Scale of Police for escorting prisoners.

2014. The Inspector General of Prisons having brought to notice, the various and in some cases excessive Guards, employed by District Superintendents in escorting Prisoners from one Jail to another, or from District Jails to central Prisons, the Inspector General of Police is pleased, with the concurrence of the above named officer, to prescribe the following Scale.

One single Prisoner	..	2 Constables.
More than one to 10 ditto	..	1 Head Constable and 4 Constables.
Ditto 10 to 15 ditto	..	1 ditto and 6 ditto.
Ditto 15 to 25 ditto	..	1 ditto and 8 ditto.
Ditto 25 to 50 ditto	..	1 Chief Constable, 1 Head Constable and 13 Constables.
Ditto 50 to 75 ditto	...	1 Chief Constable, 2 Head Constables and 20 Constables and 4 mounted Constables.
Ditto 75 to 100 ditto	..	1 Chief Constable, 3 Head Constables, 30 foot and 4 mounted Constables.

C. O. Inspector General of Police N. W. P. No. 21, *3rd. September* 1861 *para.* 1.

Above scale is for escorting ordinary prisoners.

2015. It is to be understood that the above scale is laid down for the escorting of ordinary prisoners from one to another neighbouring Jail and for these only.—*Ibid, para.* 2.

Escorts to be regulated according to circumstances &c.

2016. Escorts over prisoners under sentence of transportation must be regulated according to circumstances, the mode of conveyance, the character, and importance of the Prisoners, or any amongst them.—*Ibid, para.* 3.

Prisoner of great political character

2017. Any prisoner of great political character or importance, should be guarded by Police under the special care of an European Inspector.—*Ibid, para.* 4.

Instructions for officer in command of parties escorting prisoners.

2018. In escorting prisoners, the officer in command should at all times be instructed as follows; viz :—

1st. To keep his prisoners together in one compact body.

2nd. To place his Police in order at a distance of at least 5 paces from the prisoners, and on each flank and in the rear. The officer himself, and half the force being in the rear.—*Ibid, para.* 5

In cases of prisoners under transportation or more than 50 party to load their carbines in their presence.

2019. Whenever prisoners under transportation, or in larger gangs than 50 are to be escorted, the party should be made to load their carbines in the presence of the prisoners, and this should be done wherever the original escort is relieved on the march.—*Ibid, para.* 6.

SECTION XVI.

RETURNS &C. TO BE SUBMITTED RELATING TO POLICE ADMINISTRATION.

Local Government empowered to prescribe the form of Returns.

2020. The Local Government may direct the submission of such Returns by the Inspector General and other Police Officers as to such Local Government shall seem proper, and may prescribe the form in which such returns shall be made.—*Act V. of* 1861, *sec.* 45.

List of Periodical Statement and Returns to be submitted.

2021. The Lieutenant Governor directs under section 45 Act V. of 1861, that the following periodical returns and statements shall be submitted.—

Number of appendix.	Designation of Returns or Statements.	By whom to be submitted.	To whom to be submitted.	Date.
	MONTHLY RETURNS.			
4	Returns of crime &c.	District Superintendent.	Inspector General	*5th*
5	Ditto of District Police Force.	Ditto	Ditto	*2nd*
6	Pay Abstract.	Ditto	Civil Pay Master through Inspector General.	*2nd*
7	Distribution of pay.	Ditto	Ditto	*3rd*
8	Contingent Bill.	Ditto	Ditto	*6th*
9	General Police Fund Account.	Ditto	Deputy Inspector General.	*1st*
10	Superannuation Fund Account.	Ditto	Inspector General.	*17th*
	QUARTERLY RETURNS.			
	General Police Fund Account.	Deputy Inspector General.	Inspector General.	*10th* day of August, November, February, and July.
11	Reports of Inspectors.	District Superintendent.	Deputy Inspector General for transmission to Inspector General.	*10th* day of April, July, October and January.
	HALF YEARLY RETURNS.			
	General Police Fund Account.	Inspector General.	Secretary to Government N. W. P.	25th November, 25th May.
	ANNUAL RETURNS.			
	Superannuation Fund Account.	Inspector General.	Secretary to Government N. W. P.	31st January.
	Returns of crimes.	District Superintendent.	Deputy Inspector General.	20 January with Annual Report.

Govt. Resolution N. W. P. No. 767 A, 2nd July 1861. *para.* 67.

2022. Form No. 4.

Return of Crimes in the District of , the value of property stolen and recovered, the number of persons committed for trial and discharged in the month of

Description of Crime.	Number of Cases.	Value of Property Stolen.			Value of Property recovered.			Number of cases in which no ultimate loss occurred.	Number of Persons.						Number of cases not detected.	Value of Property not recovered.			REMARKS.
		Rupees.	Annas.	Pie.	Rupees.	Annas.	Pie.		Concerned.	Arrested.	Brought before Magistrate.	Convicted.	Committed.	Discharged.		Rupees.	Annas.	Pie.	

—*Govt. Res.* N. *W.* . No. 767 *A*, 2*nd July*, 1861. *Appendix* No. 4.

2023. Form No. 19.

PART 1.

DISTRICT,

Monthly return for 186 .

Inspectors.										Chief Constables.						Head Constables.				Mounted and Foot Constables.					Total of all ranks.	Alterations and casualties.
																					Foot.					
1 Class.	2 ditto.	3 ditto.	4 ditto.	5 ditto.	6 ditto.	7 ditto.	8 ditto.	9 ditto.	10 ditto.	Total.	1 Class.	2 ditto.	3 ditto.	4 ditto.	5 ditto.	Total	1 Class.	2 ditto.	3 ditto.	Total.	Mounted.	1 Class.	2 ditto.	3 ditto.	Total.		
																										Total strength on Enlisted during month, Promoted ditto ditto. Received from reduction ditto. Ditto from other district ditto.
																										Total
																										Promoted during month. Reduced. Discharged. Deserted. Died. Transferred to other districts.
																										Total strength on

General Remarks.

PART 2.

Nominal roll of reductions and casualties in the District of during the month of 186.

Number.	Rank.	Name.	Reductions and casualties.		Remarks.
			Number.	Date of	

PART 3.

Statement of fines levied during month of 186 .from men of the Police.

Number.	Rank.	Name.	Amount.			Why fined.
			Rs.	As	P.	

Govt. Res. N. W. P. No. 767 *A, 2nd July* 1861 *Appendix No.* 5.

2024. Form No. 7.

Abstract of Salaries and Establishment of the District Police of for the month of 186.

Names.	Designation.	Salary with Deductions.			Monthly Salary.			Deduction on account of Income Tax.					
								Imperial @ 8 per Cent.			Local @ 1 per Cent		
		Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.

Govt. Res. N. W. P. No. 767 *A, 2nd July* 1861 *Appendix No.* 6.

For Appendix No. 7, see 1610.

For Form of Contingent Bill (Appendix 8) see 2049.

For Appendix No. 9, see 1620.

2025. Form No. 13.

Police Superannuation Fund Account for the District for the month of 186 .

RECEIPTS.		Amount.	EXPENDITURE.	
Date.	By Deduction from pay as per statement Form No. 8 ...	Rs.	Date of payment Nature of payment and number and date of order of Government.	Ammount.
	„ Fines imposed and realised by Magistrates as per Fine statement	„	Balance in favour of Fund ..	Rs.
	„ Sale of useless and condemned furnitures ..	„	PARTICULARS OF BALANCE.	Total.
	„ „ proceeds of unclaimed property	„	Remitted by transfer receipts No.	
	„ „ „ of moveable property of absconded offenders ...	„	Dated to Inspector General. Rs.	
	Total.		In hands of District Superintendent	„

Ibid, Appendix No. 10.

2020. Form No. 18.

Quarterly report on the Police Inspectors in the District of for the Quarter ending.

Number.	Class.	Date of Appointment.	Qualifications as regards zeal, smartness, knowledge of duty and general progress.	General character and conduct with instances of good service and conduct or otherwise, during Quarter.	Remarks.

Ibid, Appendix No. 11.

*Annual Police Report.

2027. An annual Police Report, showing the administration of the Department throughout the "General Police District" will be submitted to Government by the Inspector General on or before the 1st April. The materials for the annual Police Report will be obtained from the Reports and annual Police Returns of the "Magistrate of the Districts," which will henceforth be submitted to the Inspector General of Police, instead of the commissioner of the Division.—*Govt. Res. No.* 767 *A*, 2*nd July*, 1861 *para.* 68 *N. W.* P.

Departmental reports.

2028. It will be in the discretion of the Inspector General to call for such further departmental reports as he may find necessary.—*Ibid, para.* 69.

2029. The change in the constitution of Police makes it necessary that certain modifications should be introduced in the Resolution of Government dated 22nd March 1855 which was circulated with Circular No. 2 dated 16th April, 1860.—*Ibid, para.* 70.

2030. Of the forms prescribed in para. 2 of that Resolution Return, No. 2 "Distribution of business" and Return No. 4 of Chokeedaree assessment may be entirely discontinued, and as Magistrate will not be at liberty to issue Circular Orders to the New Police Force, Return No. 3 will cease to be submitted by the Magistrates of the District. Return No. 1* being the Triennial Comparative statement, will accompany the report in the usual form.—*Ibid, para.* 71.

2031. Paragraphs 4, 5, 7, and 8 of the Resolution, above, referred to are cancelled and in substitution of paragraph 5 the Lieut. Governor directs that Magistrate will with the annual Police Statement, draw up for submission to Government through the Inspector General of Police a report showing the result of Police Administration during the year with such remarks on the working of the system, its merits or defects, as may appear called for.—*Ibid, para.* 72.

2032. Circular No. 745 A, dated 25th May 1854 which was republished with the Circular dated 16th April 1860 is cancelled in so far as the Police Department is concerned, because under sec. 4 Act V. of 1861 the Magistrate of the District is the only Officer, who is vested with the general control and direction over the administration of the Police.—*Ibid, para.* 73.

District Superintendents are to submit to Commissioners and Inspector General (now Deputy Inspector General) reports of heinous offences in prescribed form.

2033. Under the existing law, Police Officers of Mofussil Stations are required to give immediate information to Commissioners of Revenue Divisions in their capacity of Superintendents of Police of all crimes of grave occurrence which are committed.

This information has been generally conveyed by a transmission by Thanadars of a copy, of the Report furnished by them to Magistrates.

The District Superintendent is now the Principal Police Officer in such District, and he is the Officer who should communicate such information as is required. Even under the new system it is desirable that Commissioners, who are placed over Magistrates of District, should still be informed of all crimes materially affecting the peace and order of the country, that they may be enabled thereby, to exercise proper supervision over the District Officers to whom as Magistrates, the Police are subordinate.

The Inspector General also requires to be informed of all such occurrences, that he may be able to Judge of the efficiency of the Police as preventives of crimes, and that he may be able to detect any neglect, disobedience, or misapprehension of orders.

To meet these requirements District Superintendents on receiving information of murders, wounding with intent to murder, gang robberies, high way robberies, thuggee, affrays, thefts by poisoning or beyond 100 Rupees in value, house breaking with theft above 50 Rupees, will furnish to the Commissioner of the Division as well as to this Office, information of the occurrence in the accompanying Form.

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* This statement has been superseded by Govt. Res. N. W P. No. 104 A, 18th February 1862.

SPECIAL REPORT OF CRIME

DISTRICT,

Dated

Description of offence and names of parties concerned.*	Number of persons.		Amount of property plundered.	Amount of property recovered.	Statement of the nature of the crime. The conduct of Police whether occurence attributable to neglect in preventing crime, and measures taken to arrest and bring offenders to punishment.
	Supposed to have been concerned.	Arrested.			

At the close of each month a monthly statement of all offences will also be furnished to this Office in form annexed.

As soon as printed 500 copies of blank special Report will be furnished to each District Superintendent and 50 copies of blank monthly Forms.

Future requirements will be obtained by indent on E. I. Railway Press at Allahabad, after countersignature of the Inspector General.—*O. O. Inspector General of Police W. P, No.* 3, 8*th March* 1861.

The special Report of crime is now submitted to the Deputy Inspector General of Division and not to the Inspector General.

N. W. P POLICE.

2034. Form No. 4.

Return of crimes in the Division of the District of the value of property stolen and recovered, and the number of persons committed for trial and discharged in the month of 1861.

	No. of Cases	Value of property stolen.	Value of property recovered.	No. of cases in which no ultimate loss occurred.	No. of persons.					No. of cases not detected.	Value of property recovered.	REMARKS.
					Concerned.	Arrested.	Brought before Magistrte	Committed.	Discharged.			
Murder with Robbery, House breaking or theft.												
Murder of Children for ornaments, . ..												
Murder, ...												
Homicide, ...												
Wounding with intent to kill, ...												
Assaulting with wounding, ...												
Rape, ...												
Highway Robbery with aggravating circumstances, ...												
Highway Robbery, without ditto ditto, ..												
Gang Robbery, with agravating circumstances												
Ditto,ditto, without ditto ditto, ..												
House Breaking, with personal injury, ...												
Ditto ditto simple, ...												
Theft by administering poison or drugs ..												
Theft, simple, ...												
Cattle Stealing, ...												
Arson, ...												
Various, ...												
Total,..												

C O. Inspector General of Police N. W. P. No. 3, March 8th, 1861.

District Superintendent.

2035. I have the honor to forward specimen copies of quarterly returns of Crimes to be submitted on account of the current year together with copy of my circular No. 4 of this date to Deputy Inspector General.—*C. O. Inspector General of Police N. W. P. to Magistrates No. 142 dated 18th March 1862 para.* 1.

Quarterly return of crime.

2036. I am to beg the favour of your submitting these statements within the month for which due; bringing to the notice of Inspector General of Police any delay caused by want of punctuality on the part of the District Superintendent.—*Ibid, para.* 2.

Submission thereof within the month for which due.

2037. With reference to Resolution of Government No. 104 A, dated 18th February, I have the honor to forward herewith specimen forms of quarterly Reports of crime, which will be required from the Magistrates of the District.—*C. O. Inspector General of Police N. W. P. No. 4, 18th March 1862 para.* 1.

Forms of Quarterly Returns of crime.

2038. The Resolution quoted above will show the rules under which these statements are to be prepared.—*Ibid, para.* 2.

2039. The District Superintendent will fill up part 1 of statements I and II and deliver them with part II of the same in blank to the Magistrate of the District, on or before the 15th of April, July, October and January for the quarters ending with the last day of the previous months. He will also exhibit the value of property stolen and recovered.—*Ibid, para.* 3.

What the Superintendent is to do.

2040. The narratives of heinous offences will exhibit all cases in which Police enquiry has been completed, and the Magistrate will forward with his additional remarks such of these, as have been brought to a termination either by failure of the Police to detect and bring the offender to trial, or by ultimate decision of the Court of justice. The narrative of each case will therefore be on a separate sheet.—*Ibid, para.* 4.

Narrative of heinous offences.

2041. With regard to statement No. II the District Superintendent will not have the means in his Office of ascertaining the data for comparison of the previous years. The Office of the Magistrate will be able to furnish the return, and the Inspector General has no doubt, he will be happy to give the information required.—*Ibid, para.* 5.

Statement No. 11.

2042. Forms of quarterly statements are to be entered as Nos. 22, 23, 24 of Register of authorized forms, and on indents being furnished will be supplied by the Superintendent of the Government Press, Allahabad.—*Ibid, para.* 6.

2043. *Read again paras.* 70 *to* 78 *of Res. No.* 767 *A, 2nd July* 1861.

READ THE FOLLOWING LETTERS.

From Inspector General of Police North-Western Provinces No. 3070 Dated 14th of December 1861.

Quarterly returns of crime and Narrative of heinous offences how to be prepared and submitted.

From 1st of January the new Criminal Procedure Bill, the Penal Code, and the new Police system will be in force throughout the N. W. P. and it appears to the Inspector General of Police desirable to bring to the notice of the Honorable the Lieutenant Governor for such orders as may appear necessary, the nature of the returns now furnished by the Officers of Police and the Magistrate.

The Latter Officer furnishes annually the following Police Returns.

(1) Abstract Statement of Robberies and other crimes ascertained by the Police Officers, or otherwise to have been committed within his District during the year, and of the persons known or supposed to have been concerned in such crimes, and of the number apprehended and brought to trial, and of the computed value of property plundered or stolen, and of the amount recovered according to the Daroga's report or otherwise.

(2) Comparative Table of Criminal Offences on the scale of atrocity divided into four classes, and comparative statement of property stolen and recovered during year of report and preceding year.

(3). Detailed narrative of heinous crimes.

3. The two statements first enumerated include all offences, whether cognizable by Police or not, that is all petty assaults, trespasses, abusive language, adulteries, and many other such crimes are included in each, although such have no concern with Police administration. The fact that such find entry appears to the Inspector General to destroy the value of the return as a Police statement, and it would

be better to separate, as completely as possible, Police form Judicial statistics. The following will exemplify more fully what he means.

4. In one District the Inspector General found ——cases of petty assaults and——cases of attempts at petty assaults in the commission of which——Persons were said to have been concerned, of those——were convicted——acquitted.

It appeared on enquiry that the number of cases was found partly from reports entered in the Police Station Diaries, partly from petitions filed in the Courts of the Magistrates. A report in the diary even being taken as sufficient evidence of a crime having been committed. Attempts at assault which the Inspector General could not understand were complaints of assaults, threatened or apprehended, secondly in all compromised cases the defendants are entered as acquittals.

5. To include such returns with those of murder, robbery and theft, appears to the Inspector General to be mischievous, so in much that a statement thus prepared fails to show the efficiency of the Police in protecting life and property; that it would be more expedient to have a Police return of crimes, which under Act XXV. of 1861 are cognizable by Police. The Judicial statement furnished to the Sudder Nizamut through the Session Judge being left as it is, will exhibit, as before, every case brought to trial whether by the agency of the Police or not.

6. Should the Honorable Lieutenant Governor concur in this, a question then arises whether this return should be furnished by the Magistrate of the District as they are at present or the Police Superintendent.

7. In the Police Department the following registers are kept up :—

In each Station.

A Register of crimes reported. Appendix No. 12 to Resolution No. 767 A.

A Register of property stolen and recovered. Appendix No. 13 to Resolution No. 767 A.

The former showing not only the crime but the number of persons supposed to have been concerned and the number arrested.

8. From these registers, monthly return of crimes is prepared by the District Superintendent showing beyond the information given above further details of those "arrested" viz the number brought before the Magistrate, and of these the number convicted, committed, and released.

9. As far as the InspectorGeneral has been able to learn, the Magistrate's statements are made up chiefly from returns prepared by the Officers in charge of stations, not from the records of the Judicial Court.

10. The Inspector General would recommend that such Police returns be prepared and signed by the District Superintendent, and countersigned by the Magistrate. The first Officer, then, becomes primarily responsible for the correctness of the statement prepared by him, whilst the Magistrate of the District is kept to his duty in the exercise of a general supervision over the Police, and if the Police Superintendents' returns are submitted in dates corresponding with the dates of the Session's Statement, the Magistrate will be able to compare the one with the other and to notice any discrepancy.

11. A third question is whether the denomination of crimes should be altered so as to correspond with the definitions of the Penal Code. The Inspector General thinks such a change would be desirable though at the same time, it should not be made unless a corresponding change of terms is made in statement No. 1 of the Nizamut Adawlut Return, it being essential that the crimes reported by the Police Officers to have occurred, should be described by the same terms in the judicial statement.

12. The change will not be very extensive, as will be seen by the schedule annexed to this report of offences which coming within the definition of cl. 1 sec. 100 Act XXV. of 1861 are under section 133 of the same Act cognizable by Police without order of Magistrate.

13. The last question is relative to the Period of which such returns should be made. In the Allahabad Division alone has the commissioner been furnished with quarterly as well as annual Returns. In all the other Divisions the Annual statements only were submitted. An annual return is not sufficient in the Inspector General's opinion to ensure a timely supervision over the District Police. It is necessary to keep a constant watch on crime and to apply strength or remedy as soon as weakness or failure become apparent.

14. He would therefore propose that the statement No. 1 with its comparative table of offences and of property lost and recovered, be hereafter submitted quarterly prepared and signed as proposed in the 10th Paragraph of this report, the preparation of the Annual statement for submission to Government devolving upon this Office. This quarterly return of the Police Superintendent being furnished at the same time as the Magistrate's quarterly Returns to the Session Judge, will enable the latter Officer to check each by the other; and whilst the former will show the success or failure of the Police, in protection of property and in detection and prosecution of cases cognizable by the Police; and brought-up by their agency, the later will show the disposal of all cases brought to judicial trials.

15. A few remarks are subjoined on the narrative of heinous cases.

16. The Inspector General would suggest that these Narratives be confined ordinarily to murders, dacoities, highway Robberies, thefts by administration of poisonous or deleterious drugs; of extensive robberies by house breaking, of aggravated affrays, all of which involves violence or mal administration of Police, and of cases of counterfeiting Coin or Government Stamps which offence require to be brought to notice of Government.

17. Further that the narrative be separate by the Police, with additional Narrative by the Magistrate of ultimate result in the following form, which the Inspector General has filed up by way of exemplar.

DACOITEE,

NARRATIVE OF DISTRICT SUPERINTENDENT.

TOWN STATION.	NARRATIVE.	BY MAGISTRATE.
A Kurhul. Government *versus* Sheodyal and 15 others.	On 1st December, Information was received by Chief Constable, that the house of Gungapersaud in the town of Ramnugur had been attacked by a band of 15 or 20 armed men, that Gungapersaud had been wounded and property to the value of Rupees 5000 plundered: the Chief Constable and subsequently the Inspector of the Division made local enquiry and on 3rd December Mr. Smith visiting Inspector was deputed to investigate the Case. Ramsookh one of the Dacoits had been secured and from information rendered by him in hopes of obtaining conditional pardon, the following appeared to have been concerned (1) Sheodyal (2) Lallah Brahmin, &c, on search being made Property belonging to prosecutor was found in the house of Numbers 1, 2, 4, on further enquiries it was ascertained that the men implicated by Ramsookh had collected in the village of Secandra, two miles distant from Ramnugur, that numbers 5 and 7, had on various pretences visited the shop of Gungapersaud with the probable view of obtaining a plan of the premises, and of other places where valuables were deposited. On 2nd December	Ramsook Prisoner was on recommendation of District Superintendent admitted as Queen's evidence, pardon being gaurantoed on consideration of full revelation of facts and of all Parties implicated. On evidence given by him, and on evidence adduced by the Police prisoners No. 1 to 10 and 13 were convicted and committed to Sessions Court for trial, and on 3rd January 1862 sentenced to various terms of imprisonment, prisoner No. 12 was released, the evidence though showing suspicious did not amount to full legal proof. The conduct of the Police was on the whole good. The Chief Constable who commenced the enquiry delayed to take active measures for apprehension of Dabee Sing No. 11 and Gunga Sing No. 16, who thereby found time for flight.

DIVISION STATION.	NARRATIVE.	BY MAGISTRATE.
	Ramsookh was forwarded to the Magistrate; on 3rd, numbers, 1, 2 and 3 were arrested and forwarded; on 4th idem. Numbers 4 to 10, 12 and 13 were sent up with property, recovered, amounting to Rs. 1500, Dabee Sing No. 11 and Gunga Sing No. 16 have absconded from village and the Police have been instructed to be on the constant look out for their apprehension.	
	MURDER 1ST. CASE.	
B—Rampersaud. Government *versus*. Lekraj.	On 1st December Chedoo Lohar of Mowzah Futtehpore came to station and charged Lekraj with murder of his child aged 4 years for sake of ornaments. On enquiry by Inspector it was ascertained that the child, had gone into Prisoners house in play with Lalla son of the Prisoner: no further clue could be found, and acting on this information the charge was laid. On minute examination the body of the child with its throat cut from ear to ear was found buried under dunghill in the compound of Prisoner's house. The Prisoner was thereupon on 3rd December arrested and forwarded to Magistrate together with a robber's knife, blood stained, and believed to be the weapon by which Murder was committed. On information obtained from Musst. Luchmuneeah, wife of Prisoner, the ornaments as follows were received from Maharaj Sonar of Mynpooree, who stated that they had been placed with him in pawn by Prisoner.	The evidence before me prove fully the facts reported by the Police Superintendent Committed to Sessions 20th December 1860, 15th January; hanged by sentence of Sudder Nizamut Adawlut.

18. These narratives should invariably be drawn up by the Police Officer as his investigation is completed, and supplimented by the Magistrate as soon as the Judicial trial ends. This will prevent delay in transmitting Annual statements, which are now retarded for the compilation at the close of the year of all appertaining to crimes that have occurred during the period of report.

19. The Inspector General would therefore propose, that with each quarterly return, should be forwarded a Tabular Narrative statement of all cases disposed of within the quarter whether by the Magistrate on trial, or by the Police Officer through failure to discover or apprehend the offender, that a second edition of them be not required at the close of the year, as this will be unnecessary.

20. The Inspector General thinks these proposals will give the Local Government a more full and more correct insight into the working of the Police, and of the Judicial criminal Administration, and should they meet with the approbation of the Hon'ble the Lieutenant Governor, he will, if desired, submit a draft Resolusion, embodying such orders as he may receive in reply.

TO INSPECTOR GENERAL OF POLICE.

No. 1 A, Dated 2nd Ultimo.

I am desired to acknowledge the receipt of your Office Letter No. 3070, dated 14th December 1861, submitting for consideration and orders your remarks on the Periodical Returns hitherto furnished, and to be hereafter furnished by the Magistrate and the Officers of Police.

2. In reference to the statements which are noticed in para. 3 to 6 of your letter, the Lieutenant Governor is not disposed to agree with you that the petty offences not cognizable in the first instance by the Police should be left to be exhibited in the Judicial statement, furnished to the Nizamut Adawlut by the Sessions Judge, while a separate return of crime cognizable by Police under Act XXV 1861 shall be sent up by District Superintendent of Police. His Honor apprehends that, under this rule considerable confusion would arise, and the controlling authorities would be left without any complete record of offences actually committed, those falling within the primary cognizance of the Police under section 133 of Act XXV, 1861 would, it is true, be exhibited in the return to be submitted under your proposal by the District Superintendent of Police, but these would include many offences essentially of a trifling character, and such as the agency of the Police would be quite ineffectual to prevent their commission. A glance at the schedule appended to the Code will satisfy you of this ; and it will be apparent to you that a return prepared as you propose, would fail to show the efficiency of the Police equally with that which is now submitted by the Magistrates.

3. Another objection to your suggestion appears to be that the offences not primarily cognizable by the Police, would be returned by the Magistrate only in the Judicial Statement. This would not be in itself reliable and there is moreover the fact that the object of a Judicial statement is to exhibit the results of the Administration of criminal Justice, not the number of offences (whether petty or other) committed, the number of persons supposed to have been concerned and the number known to have been apprehended It appears also to the Lieutenant Governor that to entrust the return of all crimes of a certain class to a second Officer will give rise to a divided responsibility and to untrustworthy returns. I am directed further to observe that the statement in your 3rd Paragraph, namely that such (i. e. petty) offences have no concern with Police Administration is not quite correct, for as already noted there are many cases of a trivial nature specified in column 3 of the schedules as offences for which a Police Officer may arrest without a warrant, and all offences, in respect of which a Police Officer may interfere at his discretion, it must be a part of his duty to prevent, and consequently all such must have some concern with Police Administration. Again you will find on reference to section 133 of the Code that a Magistrate may direct an enquiry to be made by Police Officer into any offence punishable under the Indian Penal Code, and in such case the enquiry of the Police Officer would be a part of Police Administration.

4. It seems to the Lieutenant Governor that unity of responsibility will be maintained as is desirable, and that the Police will be duly exhibited if the returns of crime (1 and 2) be divided into two parts. Part 1 to show all offences cognizable by the Police in primary instance according to Act No XXV. of 1861 and part II all those in respect of which the interference of the Police is barred without an order of a Magistrate Part 1 might be prepared by the District Superintendent of Police and sent under his signature to the Magistrate of the District, who would then add to it part II and afterwards submit the complete return to your Office with his signature.

5. Before coming to a final decision, the Lieutenant Governor would be glad to know whether in your opinion the suggestion offered in the preceding Paragraph is practicable and appropriate, and if not, how the object of obtaining a complete return of all offences on the responsibility of a single Officer may best be accomplished.

6. Proceeding now to your third question, I am to say that the nomenclature of crime must be so altered as to correspond with that used in the Penal Code ; but this can be done only in concert, as you note, with the Sudder Court who, as the Lieutenant Governor has reason to know, are at present

engaged on a revision of the Judicial (Criminal) statement. Extract (Paragraph 11) from your Letter, and copy of this Paragraph will be sent to Register of the Court with a request that both this Office and your Office may be furnished with a complete copy of the revised Forms of statement as soon as they shall be ready for issue.

7. In your proposal that the statement No. 1 with its comparative tables be submitted to your Office quarterly instead of annually the Lieutenant Governor entirely concurs. By these means full information as to the statics of Crime in each District will be placed before you at short intervals, and will enable you to exercise a much more effective supervision than has been hitherto practicable; it will also aid, probably, in securing more correct returns, both of heinous and of petty offences, and the compilation of the Annual Statement which it will be necessary for you to lay before the Government, with your General report, will be less laborious. There will be no difficulty in going on with the compilation as each quarter's returns are received.

8. Lastly I am desired to express the concurrence of the Lieutenant Governor in all your suggestions respecting the preparation and quarterly (instead of annual) submission of the narrative of heinous offences as calculated to abridge labor, and at the same time to afford both the Government and to yourself a better and more timeous insight into the working of the Police, as well as more efficient means of correcting errors, abuses, and supineness in its administration.

FROM INSPECTOR GENERAL OF POLICE.

N. W. P. No. 77, dated 13th Ultimo.

I am requested to acknowledge the receipt of your letter No. 1 A, dated 2nd Instant and with reference to the 5th Paragraph thereof to inform you that in the Inspector General's opinion the proposal of the Hon'ble the Lieutenant Governor to have one return of all occurrences divided into two Parts, viz. 1 of crimes cognizable by Police, II of crimes not cognizable, is one that will meet fully the object which he had in view and one which can in practice be correctly carried out.

2. On receipt of the revised forms under preparation by the Sudder Nizamut Adawlut, the Inspector General will do himself the honor of reporting further on the subject.

3. At present the only precaution that appears necessary is such that will provide for the omission by the Police in Part 1 of all cases, in which their interference has been made by order of the Magistrate but which would not otherwise have come within their cognizance; and secondly to provide that all charges brought in the first instance before the Magistrate which are cognizable by Police shall find entry in their return, viz part 1.

In accordance with the views expressed in these letters, and in supercession of former orders, the Lieutenant Governor directs that the undermentioned Returns shall be furnished quarterly to the Inspector General of Police who will embody them in his annual return to Government.

(1) Abstract statement of crimes ascertained to have been committed during the quarter and of the persons known or supposed to have been concerned in such crimes, and of the number apprehended and brought to trial, and of the computed value of property plundered or stolen, and of the amount recovered.

(2) Comparative Table of Criminal offences and comparative statement of property stolen and recovered during the quarter of report and the corresponding quarter of the preceding year.

(3) Detailed Narative of Heinous crimes.

2. The Returns No. (1) and (2) will be divided into two parts: part I to shew all offences cognizable by the Police, in the primary instance under the code of criminal Procedure, and part II to shew all those in respect of which the interferance of the Police is barred without the order of a Magistrate. Part 1 will be prepared by the District Superintendent of Police and sent under his signature to the Magistrate of the district, who will then add to it part II and afterwards submit complete return to the Office of the Inspector General of Police with his signature.

3. The return No. (3,) or the detailed Narative of heinous offences will be prepared in the manner suggested by the Inspector General in paragraph 16 to 19 of his Letter No. 3070, dated 14th December 1861, being ordinarily confined to cases of murder, highway robbery, dacoitec, theft by administration of poisonous or deleterious drugs, extensive burglary, aggravated affray, and counterfeiting coin or Government stamps. The narative will shew 1st the investigation by the Police and the facts brought out in such investigation and 2nd the course of Judicial proceedings before the Magistrate and superior courts, and it will be prepared jointly by the District Superintendent and the Magistrates according to their respective duties, and will contain all cases finally disposed of within the quarter under report.

4. The nomenclature of crime will be that of the Penal Code and will be communicated to Magistrates and District Superintendents by the Inspector General of Police.—*Govt. Resolution N. W. P. No.* 104 *A*, 18*th Feby.* 1862.

(*For Paragraph No.* 2044, *Statement No.* 1, *see following Fly sheet.*)

2045. STATEMENT NO. II.

Comparative Table of Criminal offences Cognizable and not cognizable by the Police for the quarter of 186 . and 186 .

DESCRIPTION OF CRIME.	186	186	INCREASE.	DECREASE.
PART I.				
COGNIZABLE.				
1 Abetment to mutiny. ...				
2 Personation of Soldier or Public Officer. ..				
3 Rioting and unlawful Assembly. ...				
4 Harbouring. ..				
5 Resisting or obstructing legal Apprehension. ...				
6 Counterfeiting Coin. ..				
7 Other offences connected with counterfeit Coin. ...				
8 Counterfeiting Government Stamps. ..				
9 Offences affecting the Public Health, safety &c. ..				
10 Murder. ...				
11 Ditto with Dacoitee. .				
12 Abetment of Suicide.				
13 Attempt to commit Suicide. ...				
14 Culpable Homicide. ...				
15 Being a Thug. ...				
16 Exposure by parent or guardian of child under 13 years of age. ...				
17 Concealment of Birth by secret disposal of dead body.				
18 Causing grievous hurt. ..				
19 Administering stupifying drugs, with intent to commit offence. ...				
20 Wrongful confinement or restraint. ...				
21 Criminal Assault or force. ..				
22 Kidnapping. ...				
23 Habitual dealing in slaves or Minors for purpose of prostitution. ...				
24 Unlawful compulsory Labor. ...				
25 Rape. ..				
26 Unnatural Offences. ..				
27 Theft. ...				
28 Robbery with grievous hurt. ..				
29 Robbery. ..				
30 Dacoitee with grievous hurt. ..				
31 Dacoitee. ...				

DESCRIPTION OF CRIME.	186	186	INCREASE.	DECREASE.
32 Belonging to a gang of Dacoits. ..				
33 Belonging to a wandering gang of thieves. ..				
34 Receiving stolen property dishonestly. ..				
35 Mischief. ..				
36 Criminal Trespass. ..				
37 House Trespass. ..				
38 House Trespass in order to commission of theft or offence punishable with death or transportation....				
39 Lurking House Trespass or house breaking and causing death and grievous hurt. ...				
40 Lurking House Trespass or house breaking (unaggravated) ..				
41 Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property. ..				
42 Attempts or Abetment of above. ..				
Total of cognizable cases.				
PART II.				
NOT COGNIZABLE.				
1 Offences against the state.				
2 Affray.				
3 Contempt of lawful authority of Public servants. ..				
4 False evidence and offence against Public Justice. ..				
5 Fraudulent use of false Weights or measures. ..				
6 Offences affecting Public Health, Safety &c. ..				
7 Causing Miscarriage.				
8 Voluntarily causing hurt.				
9 Criminal Force and Assault.				
10 Extortion.				
11 Criminal misappropriation of property.				
12 Criminal Breach of Trust.				
13 Cheating.				
14 Fraudulent deeds and disposition of property. ...				
15 Mischief.				
16 Forgery and offences relating to documents and to trade and property marks.				
17 Criminal breach of contract of service.				
18 Defamation.				
19 Criminal Intimidation, Insult, and Annoyance. ...				
Total Not Cognizable.....				
Grand Total				

Comparative Statement of Property Stolen and Recovered during the above Period.

VIZ.			STOLEN.			RECOVERED.	
To the	Quater	186					
...	...	186					
	to end of						
Total amount from		186					
..	..	186					
For the past year		186					
For the current year		186					

Dated

Magistrate *District Superintendent.*

Police Form No. 23.

C. O. Inspector Police N. W. P. No. 4, *March* 18*th* 1862, *Statement No.* 2.

2046 STATEMENT No. III.

Datailed Narrative of Heinous Offences, viz. Murders, Highway Robberies, Dacoitees, Thefts by administering poisonous or deliterious Drugs, Extensive Burglaries, Aggravated Affrays, and counterfeiting Coin and Government Stamps for Quarter of

Crime.	Date of Occurrence.	Place of Occurrence.	Name of Perpetrator.	Name of sufferer.	Police Superintendent's Report of the crime and result of Police enquiry.	Magistrate's Report of crime and result of trial.

Ibid, Statement No. 3.

Points to be noted in Annual Reports.

2047. By para. 69 of Resolution of Government No. 767 A, Annual Reports of Police Administration are required from District Superintendents for Districts, and from Deputy Inspectors General for their Divisions (para. 1.) The Report of the District Superintendent should be as brief as possible and divided into following Heads :—

1st. For first year only,—the month or date when Police force was completed and the month from which the District Superintendent undertook Police Administration, under general control of Magistrate.

2nd. Review of crimes committed, which should as far as possible be compared with the results of two previous years. The causes which have led to any remarkable increase or decrease should be explained, and all cases of extraordinary gravity or novelty reviewed.

3rd. The results of prosecution should be commented upon ; where failure has resulted from circumstances beyond control of Police they should be noted.

4th. The degree of instruction imparted, and the general character of the force exhibited ; special instances of good or bad conduct amongst superior Officers being noticed.

5th. The District Superintendent should report how far the orders have been carried out, for Division of cities into Beats, of country into rural walks, and other leading matters—where they have been delayed, cause should be shewn, and probable time within which they will be carried out should be specified.

6th. If District Superintendent has any suggestion to make for improvement of efficiency or discipline of the Force he may conclude with them. But care should be taken not to enter on subjects which are of trivial or local importance, which can be better dealt with on special application.—(*para.* 2.)

It will be the part of the Deputy Inspector General to offer such remarks as these reports call for, to compare the working of Districts with each other, and to point out whenever the District Superintendent of one District fails to carry into effect what another has succeeded in accomplishing.

2nd. To show how far the training of men for future employment is being carried out. How far a better class of recruits is obtained than formerly, or the reverse.

3rd. To enter observations made by them in the course of their visits of inspection.

4th. To report on the working of the "General Police Fund."

5th. To give their estimate of the efficiency and qualifications of the District Superintendent and Assistants under them (para. 3.) The District Superintendent will with his Report, furnish the Deputy Inspector General with a statement of crimes, of persons apprehended, &c., in form No. 4; the statistics being of the same period as that to which the Police report refers, that is, if completion of Police arrangements was not effected by 1st January 1860, the statistics will be from subsequent date of completion and of Police Administration, (para. 4.) From these Returns the Deputy Inspector General will compile a Return for the Division to accompany his report. The District Superintendents and Deputy Inspector General's Returns should be submitted to the Inspector General's Office in duplicate, (para. 5.) The annual Report should be submitted by the 20th Proximo.—*C. O. Inspector General of Police N. W. P. No.* 24, *24th December* 1861.

Form of Contingent Bill.

2048. The accompanying form of Contingent Bill has been adopted by the Civil Pay Master in communication with the Inspector General of Police, and in forwarding the same, I am to direct your particular attention to the folllowing points relative to its preparation, your contingent Bills for the month of May must be immediately submitted under the following orders.

The first column "Amount sanctioned for current year" will be filled up in this Office. The second "Amount drawn including this bill" must be filled in by the transmitting Officer; the amount of-course being ascertained by calculation of the amount drawn in previous bills of current year *plus* the amount shewn in the bill submitted. This column as well as all others must show the charges against each Heading in detail, but need not contain Ans and Pie; under columns 3 and 4, authority and vouchers must be shown, authority for all extraordinary charges, and number of the vouchers attached in support of each. This applies to all charges incurred, excepting for stationery, oil for station lamps, and such like petty charges, necessary for the public service: your particular attention is invited to this point, and unless all the Headings drawn for are so supported, the bills will be returned for correction. Thus "Telegraph charges" will be supported by receipts furnished from Telegraph Office; "carriage hire" by quotation of Government Order No. 194 A, dated 28th February 1861; and extract of orders detaching the guard; "House rent" "Office furniture" "tents" "arms and ammunition, accoutrements and equipment," "Hot weather servants and apparatus," "gratuity &c.," by sanctioned estimate, "Travelling allowance of establishment" by quotation of Government letter No. 1291 A, dated 24th December 1861, ditto of subordinate Officers of Police by resolution No. 174, dated 15th March, ditto of "travelling allowance of European Officers" by form No. 10 and 11 drawn up in usual manner. In cases of stationery and oil for station houses, the quotation of Police order No. 21 dated 24th August 1861, and this circular as authority, and a simple detail on a separate slip will be all that can be furnished. The allowance for oil per mensem is fixed at the rate of 12 annas per station.

The voucher in support of items "Miscellaneous" must show each item under that heading in detail

Bills must be made out on the actual printed forms furnished, not in manuscript; further no details in addition to the printed Headings should appear.

In Districts, the head quarters of Deputy Inspectors General, each heading will include the items of expenditure in the Deputy Inspectors General as well as the District Superintendent's Office.—*C. O. Inspector General of Police N. W. P. No.* 16, *2nd July* 1862.

2049.

Her Majesty's Indian Government, _____ *Dr.*

To contingent charges of the Office of the District Superintendent of the Police in the District for the Month of 186 Dated 186

Budget. Amount sanctioned for current year.	Budget. Amount drawn including this Bill.	Authority.	No. of Voucher.	Charges.	Rupees	As.	Ps.
				F. IV. DEBITBALE.			
				Travelling allowance of Officers,			
				" " of Deputy Inspector General,			
				" " of District Superintendent,			
				" " of Assistant Inspector General,			
				" " of Subardinate Officers,			
				Travelling allowance of Establishment,			
				Clothing " "			
				House and Office Rent "			
				Telegraph charges "			
				ARMS AND AMMUNITION.			
				Arms and ammunition, ..			
				Accoutrements and Equipments, ...			
				Purchases and repair of Tents, ...			
				Purchases and repairs of Furniture, ...			
				Other Items, ...			
				Oil for Stations, ...			
				Stationery for Station Houses, ...			
				Stationery for District Superintendent and Deputy Inspector General's Office, ...			
				Hot Weather Servants, ..			
				Hot Weather apparatus, ..			
				Post Office charges,			
				Railway charges,			
				Carriage for Police Employed on Police Duty,			
				Cloth for Bustahs,			
				Printing and Press charges,			
				Gratuities,			
				Miscellaneous petty Contingencies,			
				TOTAL RUPEES...			

Passed for Rs ... *Allahabad* ... *Amount of this Bill* ... *Deduct Items marked* ... *as per Separate memo of deduction* ... *Rs* ... *Civil Pay Master.* ... *Entd.*

Inspector General of Police's Office,
Allahabad the of 186 .

District Superintendent of Police.

Countersigned for Rupees

By Order

Personal Assistant to the Inspector General of Police North Western Provinces.

N. B.—Memo of Deductions by Inspector General of Police on reverse.

Contingent and other bills to be submitted punctually.

2050. The Inspector General of Police, has on more than one occasion noticed great delay in the submission of contingent and other Bills for his countersignature. Such delays occasion great inconvenience to all parties and are inexcusable, because they can be easily avoided. Your particular attention therefore is invited to the following Rules, which the Inspector General of Police trusts may be strictly observed in future.

1st. Pay Abstracts of District Forces countersigned by the Magistrate and including all charges on account of Salary of Force will be sent to this Office on the 3rd of the Month at the latest.

2nd. Contingent Bills must be forwarded on or before the 7th of the Month; they must include every charge, supported by Vouchers and by Authority for the charges incurred, excepting for Stationery, oil for station lamps, and such like petty charges necessary for the public service.

3rd. Bills for travelling allowances must accompany Pay Abstracts.

4th. From and after the 1st May, sanction will be withheld from all charges incurred previous to the preceding month, unless good and sufficient reason can be shewn, why it was not possible to exhibit the charges in the Bill of the month during which they were incurred.—*C. O. Inspector General of Police N. W. P. No.* 11, 10th *April* 1861.

SECTION XVII.

BOOKS AND REGISTERS TO BE KEPT AT POLICE STATIONS.

Books & Registers to be kept at each Police Station.

2051 The following Books and Registers will be kept at each Police Station.

Appendix No. I.	Register of Charges taken, ...	Form 1.
„ II.	„ Refused, ...	„ 2.
„ III. A	„ Warrants and other Process, ...	„ 3.
„ XII.	Register of Crimes Reported.	
„ XIII.	„ Property Stolen and recovered.	
„ XIV.	Absconded Criminals and escaped offenders living or having connexions within Station circle.	
„ XV.	Register of offenders who have been released from Jail on expiry of sentence and notorious bad characters.	
„ XVI.	Register of Villages forming Constable's Walks in Circle with names of Chowkeedars.	

Station Diary Book,
Inspector Report Book,
Station Order Book,
} BLANK.

Resolution of Govt. N. W. P. No. 767 A, 2nd July 1861, *para.* 108.

2052 Form D.

Police Station Register of Warrants and other processes.

Number.	Date of Issue.	Date and hour when received by Police.	Date and hour of endorsement. Name of Police Officer to whom endorsed.	Nature of Process.	By whom Issued.	Name of person entered in Process.	Nature of offence and object of Process.	How executed, when, and by whom.	Why not executed.

Appendix No. III A, Form No. 3, *Govt. Res. N. W. P. No.* 949 *A, 2nd Sept.* 1861.

2053. Form No. 10

Register of crimes reported at the Police Station

during year 186 Christian Æra.

Number	Note of occurrence	Name of village or place of occurrence	Crime reported	Name of Prosecutor or injured party	Number of persons concerned or supposed to be implicated	Number arrested.	Name of Police Constable or village chokeedar on duty to prevent crime	Remarks

Resolution of Government N. W. P. No. 767 *A, 2nd July* 1861 *Appendix No.* 12.

2054. Register of property plundered and recovered during the year 186 . Christian Æra

Number in annual register of crimes reported for year	Description and value of property plundered	Description and value of property recovered	Date of recovery	Remarks

Ibid, Appendix No. 13

2055. Register of absconded offenders and escaped prisoners whose apprehension is required from the Police of the Police Station

Number and date of warrant or order for apprehension	Name, caste and parentage of offender	Village or villages in which resident at time of or previous to escape	Supposed age	Personal description	Crime with which charged or of which convicted	Reward offered	Reports of Officer in charge of station recording measures from time to time taken or clues obtained to hiding place of offender	Date of apprehension, surrender, or ascertained death

Ibid, Appendix No. 14.

2056. Register of notorious bad characters and of persons of bad character released from Jail on expiry of sentence.

Name, parentage and caste of individual	Residence	Ostensible means of livelihood	Previous conviction and grounds on which abnoxious to suspicion	Dates of release from Jail	Date of entry of name	Dates and grounds of subsequent arrest by Police and record of subsequent convictions	Remarks

Ibid, Appendix No. 15.

2057. Alphabitical List of Villages and Register of village watchmen appertaining to Police Station of

Name of Village.	Distance & direction from Police Station.	Out post to which attached or number of walk to which belonging.	Names of malgoozars or managers.	Names of chowkeedars or watchmen attached to the village.	Estimated number of houses.	Remarks.

Ibid, Appendix No. 16.

Register of charges prefered to the Police

2058. The Judges of the Sudder Nizamut Adawlut having in reply to Demi-Official referen The first point for consideration is the ultimate disposal of the resolved that it is necessary charge sheet A, in cases sent up for trial to the Magistrate. that Magistrates should retain in the Judicial proceedings of trials, the charge sheets

The court are clearly of opinion that the charge sheet should be on which persons accused are retained by the Magistrate, as the record of the charge prefered by brought before them by the the Police. This sheet, they observe, will be authenticated by the Police, it becomes necessary Police, and a document authenticated by the Police, is in the opinion of to provide a Police Register the court, indispensable. No document, roobkaree, or other proceedings of such charges. The extract which the Magistrate might substitute for the charge sheet, would bear record on the Margin will any other than the Magistrate's authentication, which by possibility show you the course proposed might be disputed in the case of controversy between the judicial and Police authorities. The court therefore, advice its retention ; but as its

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last 4 columns have evidently been framed with a view to its return, they would suggest that, if its return be considered by Mr. Court to be indispensable, directions be given for its submission by the Police in duplicate; one copy with its 4 last columns duly filled up will then be returned to the Police, and the other retained with the record of the case in the Magistrate's Court.

to be adopted.—*C. O. Inspector General of Police N. W. P. No. 5, 19th March* 1862 *para.* 1.

2059. It appears unnecessary to furnish in duplicate the full information conveyed by the charge sheet. In cases finally disposed of, it will be sufficient to show the parties concerned, the crime charged, the offence established, the result of the trial and any remarks, the Magistrate may record on the conduct of or the enquiry made by the Police.—*Ibid, para.* 2.

Cases finally disposed of.

2060. On the other hand where the case is not finally disposed of by reason of the escape of the offender from capture, it will be necessary that the District Superintendent should know the proofs obtained in support of such charge, that in event of subsequent apprehension he may frame his charge sheet accordingly.—*Ibid, para.* 3.

Cases not finally disposed of.

2061 On these considerations the Inspector General has resolved to adopt two Registers of charges brought before Magistrates.

Two registers of charges brought before Magistrates.

1st. Of cases in which offenders have been apprehended and brought to trial, the 2nd of cases brought up in which offenders have not been brought to trial. The form in which each of these registers should be kept up are appended.—*Ibid, para.* 4.

2062 District Superintendents should bear in mind the absolute necessity of laying before Magistrates the proofs found of crime committed whether the offender has evaded capture or not; otherwise the death or disappearance of witnesses may lead to the ultimate escape from justice of offenders, whereas, if their evidence on oath has been placed on record, the proof is at hand, and the offender alone will suffer for his evasion of process.—*Ibid, para.* 5.

Proofs found of crimes committed to be laid before Magistrates.

2063 The 1st will be a complete register of trials held on prisoners apprehended. The 2nd will be a complete register of escaped offenders against whom proof has been placed on judicial record, and for whose apprehension warrants have been issued.—*Ibid, para.* 6.

What the registers to contain.

2064 After hearing the evidence the Magistrate will determine whether proof sufficient has been found or not; if guilt is *prima facie* established, the case will be entered in Register No. 2 and a warrant for apprehension obtained by the District Superintendent.—*Ibid, para.* 7.

Magistrate to determine whether sufficient proof has been found or not.

2065 Should a prisoner at large be subsequently captured, the charge will find entry in register, No. 1 and effaced form No. 2 by entry as shown in exemplar form attached.—*Ibid, para.* 8.

Entry when a prisoner at large is captured.

2066 Should any one of two or more persons concerned be at large, though his confederates being apprehended are brought to trial, the case will be recorded in both Registers, viz., in Registers No. 1 as concerns those brought to trial; in Resgister No. 2 as concerns those at large against whom full proof has been found.—*Ibid, para.* 9.

When two or more persons are concerned.

2067. Register of charges preferred in the Court of the Magistrate of in which offenders have been brought to Trial.

No. of entry.	Name of Police Station.	No. & Date of Station charge.	Name, address and occupation of persons charged.	Crime.	Name of persons charging.	Magistrate before whom tried.	Charge established.	Result of Trial.			Remarks of Magistrate on conduct of Police.
								Name of party committed.	Name of party convicted.	Name of parties acquitted.	

Register No. 1, *C. O. Inspector General of Police N. W. P. No.* 5, 19*th March* 1862.

2068. Register of charges prefered in the courts of the Magistrate of in which offenders are at large.

No. of entry in Register.	Name of Police Station.	Number and date of Station charge.	Name, address and occupation of persons charged	Crime.	Names of persons charging.	Witness's name and address.	Property found on person or elsewhere and by whom.	Weapons or instrument found.	Magistrate before whom tried.	Charge established and date of order for apprehension of absconded.	Date of apprehension	No. of charge in register No. 1 under which brought up for trial.	Date of ascertained decease or abandonment of charge.
1	Roopore A Division.	17 2nd February 1861.	A son of B resident of Pergunnah.	Murder.	Govt.	A son of B C son of D residents of		Sword blood stained found in house of offender by C and D. Police Constables.	E. F.	15th February on full proof.	2nd March 1862.	No. 54, 3rd March 1862.	
2	Gungapore.	17 2nd February 1861.	A son of B &c.	Murder.	Govt.	A son of B C son of D		Sword as above.	E. F.	15th February on full proof.			Died in Cawnpore 8th May 1862.

Ibid, Register No. 2.

2069. A Register of all persons under trial who are kept or received in custody of Police will be kept up in each District Superintendents' Office. It will day by day be brought up by the Inspector in charge of the Police told off for duty in the Court.—*C. O. Inspector General of Police N. W. P. No.* 31, 20*th December* 1861, *para.* 1. Register of persons under trial in custody of the Police.

2070. Every prisoner on arrival will be entered, and on discharge the Officer in attendance in the Court will report the same to the Inspector, who will thereupon enter manner of discharge and obtain initials of Magistrate ordering the same.—*Ibid, para.* 9. Entry of arrival and discharge of prisoner.

2071. When a prisoner is sentenced to imprisonment, the Police Officer will obtain a warrant addressed to the Jail Darogah, and having entered the same in register will deliver the prisoner to the Jail Darogah taking that Officer's receipt for the same.—*Ibid, para.* 3. Procedure when a prisoner is sentenced to imprisonment.

2072. A specimen Form of Register is given below :—

LOCK UP REGISTER.

Station whence received.	No. of charge sheet.	Crime.	Name of Prisoners.	Date of Receipt.	Manner of discharge from lock up and date of discharge.	No. and date of warrant to Jail Darogah.	Signature of Magistrate on discharge or Jail Darogah's receipts.
Cawnpoor	1	Theft.	Gunga. ..... Debeedeen.	7 January 1861.	Sentenced to imprisonment on the 7th January 1861.	No. 400 7th Jany. 1861.	A. B. Jail Darogah.
Etawah	2	Affray with Homicide.	Gunga ..... Debeedeen ..... Ramsook ..... Lalla. ..... Hurnarain.	8 January 1861.	Released on bail furnished to amount of 200 Rs. 10th January 1861. Acquitted 10th January 1861.		C. D. Joint Magistrate.
Allahabad	3	Arson.	Lall Sing. ..... Cheddoo.....	10th Jany 1861. 11th Jany 1861.	Sentenced to imprisonment 15th January 1861. Acquitted 11th January 1861.	No. 400	E. F. Joint Magistrate. G. H. Magistrate.

Ibid, para. 4.

Malkhana Register.

2073. A second Register to be called the "Malkhana" Register will be kept of all properties delivered into custody of Police in following form.

Date	Description of property.	Name of supposed owner or of parties concerned.	Mode official Disposal.	Signature.
1st January.	1 Lota 1 Thallee.	In case of Lolljee and Ramsookh, charge theft of same.	Given to plaintiff by order of Magistrate 7th January.	Received Lalljee..
2nd	1 Bundle of Person's cloth. 1 Chapcan 2 Pacjamas. 1 Dhotee.	Not known.	Made over to sale mohurir for sale by order of Magistrate.	C. D. Mohurir to Court.
3rd	3 Moulds. 1 Melting. 17 False coins.	Found in house of Ramdeeal and others, charged with counterfeiting false coin.	Destroyed by order of Magistrate and fragments sold.	E. F. Magistrate.

Ibid, para. 5.

2074. Every article received should be entered in Register at time of receipt and the two last columns filled up as soon as property leaves the custody of the Police.—*Ibid, para.* 6.

Examination of Registers.

2075. The Register should be examined once a month by District Superintendent to see that property is not kept in Malkhana longer than necessary. The Magistrate should be reminded of properties placed with the Police and orders relative to disposal obtained on final decision of case, or whenever injury, decay or damage will result by keeping such in store.—*Ibid, para.* 7.

SECTION. XVIII.

MISCELLANEOUS RULES RELATING TO THE POLICE.

Examination of Police Officers.

2076. The Lieut. Governor has no wish to subject Police Officers, who have passed an examination as required by the Rules applicable to them, when they received their appointments in the Military Police, to another examination.—*Government Letter, N. W. P. No.* 251 *A*, 12*th April*, 1861, *para.* 2.

2077. But Officers who may hereafter be appointed to the new Police, in whatever grade will be required in addition to the present language tests to pass an examination in the Penal Code ; the Code of Criminal Procedure ; the new Police Act V. of 1861 and the Rules which may be from time to time issued either by the Government, or the Inspector General of Police for their guidance.—*Ibid, para.* 3.

Communication between Police Officers of different Provinces to be free and unfettered by official address.

2078. It is necessary that the communication between the Police Officers of one with those of another Province should be free and unfettered by official address. On more than one occasion, hue and cry after a criminal has been broken by the fugitive getting beyond boundary, and pursuit abandoned, till official communication could be made to the District Superintendent under neighbouring Government.—*C. O. Inspector General of Police, N. W. P.* 17*th July* 1862, *para.* 1.

Officer of Police in N. W P. to call for assistance from those in Oudh by express despatch of demi-official Notes.

2079. Colonel Barrow C. B. Inspector General of Police in Oudh advises that Officers of Police in the North Western Provinces should call for assistance by express despatch of Demi official notes on occasion of emergencies. By this course all delay will be obviated, and by means of mounted or relief of foot constables even, receipt of such notes can be expedited.—*Ibid, para.* 2.

District Superintendents to act accordingly and comply with similar requisitions.

2080. District Superintendents are accordingly directed to apply for aid in such manner, to comply at once with similar requisition which they may receive, and to issue orders to all Police Officers of frontier stations to carry out, without reference, any requisitions they may receive from neighbouring Police Officers.—*Ibid, para.* 3.

Pursuit of offender not to cease because the territory of the N. W. P. has been crossed How is the Police Officer to act in such cases.

2081. Pursuit of an offender more particularly if such be a grave criminal, should not cease because the territory of the North Western Provinces has been crossed, excepting he may have gone into foreign territory (Section 141 Act XXV of 1861). If the frontier be of another Local Government of the Empire, the track should be followed up until pursuit can be taken up by the Police of the District, which should be obtained as soon as practicable. If this is not obtained before actual arrest, the prisoner should be taken to the nearest Police Station and delivered to the custody of the Officers in charge, with full information of the crime for which arrested and of the District within which perpetrated.—*Ibid, para.* 4.

Requisitions for aid to pursue &c. to be immediately complied with.

2082. All Officers are responsible, that requisitions for aid to pursue, for search or apprehension of offenders are immediately complied with, and every exertion made for the successful performance of the duty required.—*Ibid, para.* 5.

Tents allowed to Police Officers.

2083 The Honourable the Lieut. Governor is pleased to resolve that Tents shall be provided to the Police as follows.—

Divisional Deputy Inspector General 1 single Pole full size,..	Rupees	450
District Superintendents single poled	„	350
European Inspectors, 1 Hill Tent each	„	225

Palls, Regulation Number for reserve Force, with two additional Palls for emergencies.

The Rules applicable to Collectors and other Officers, regarding annual Report &c. are to be observed.

Tents required on first issue will be charged for in contingent Bills under the authority of this Resolution.—*Resolution Govt. N. W. P.* No. 220 *A*, 8*th April* 1861.

When Police are led or sent to capture proclaimed rebels or offenders the force to be accompanied by two Europeans and mounted constables.

2084. It is advisable whenever Police are led or sent to effect capture of proclaimed Rebels, or offenders, likely to resist apprehension, that the force should be accompanied by two Europeans, and, whenever possible, by mounted as well as by foot Police. A gallant attempt made by Lieutenant Gordon, District Superintendent of Jounpoor, to capture a notorious offender was followed by this Officer being severely wounded and by escape of the criminal with his followers, in consequence of the want of mounted constables for pursuit ; and it is in hope of preventing such calamity in future that this precaution is given.—*C. O. Inspector General of Police N. W. P. No.* 15, 9*th July* 1862.

Grant of uniform to constables

2085. The Hon'ble the Lieutenant Governor has been pleased to grant to all constables Foot and mounted the following uniform per year.

2 Kortas

2 Paijamahs

1 Turban of 5½ Yards of Turkey Red

C. O. Inspector General of Police N. W. P. No. 1, *2nd January* 1862, *para.* 1.

Scale of cost of Police Hospital for the Districts in the N. W. P.

2086. In first forming Police Forces for each District, the cost of the Hospital charges has been roughly fixed at 90 Rupees. The fixed distribution of this sum has however not yet been made, and consequently some confusion has arrisen. I am desired therefore, to lay down the following scale, on which Pay Abstracts are hereafter to be drawn.

Civil Surgeons.....To receive an uniform allowance of Rupees 50.

Native Doctors .....To consist of 3 grades, on 15, 20, and 25 Rupees.

1ST CLASS STATIONS.

Meerut, Agra, Barielly, Allahabad, Benares, and Goruckpore.

2ND CLASS STATIONS.

Allygurh, Futtehgurh, Moradabad, Cawnpoor, Ghazeepore, Mirzapoor, Muzufferuggur, Seharunpoor, Muttra, Shahjehanpoor, and Azimgurh.

3RD CLASS STATIONS.

Boolundshuhur, Dehra Dhoon, Etawa, Mynpoorie, Etah, Banda, Futtehpoor, Budaon, Bijnore, and Jounpoor.

Compounder. .....Six Rupees, uniform allowance.

Mehter and Leechman...Five Rupees.

Bazar Medicine .....Four Rupees per mensem, savings in one month meeting excess that may be required in others, and savings at the close of the year, being credited to General Police Fund.

The selection removal and appointment of Native Doctors will rest as in other branches of the public service, with the Deputy Inspector General of Hospitals for the Division.—*C. O. Inspector General of Police N. W.P.* No. 9, 1*st April* 1861.

All circumstances dangerous to the public peace to be reported.

2087. The darogahs of Police are uniformly to report to the Magistrates, whenever any individuals, within their respective jurisdictions, entertain in their service any extraordinary number of armed men, or commence building or repairing any fort or *gurhee*, or collecting together any quantity of arms, ammunition, or military stores.—*Reg. XX* 1817, *sec.* 30, *cl.* 1.

Encroachments on public roads to be prevented and reported.

2088. The darogahs are to prevent all encroachments on the public roads, and are at the same time to report the circumstances of each case for the information of the Magistrate, and to record an abstract of the same in the thanadaree proceedings.—*Ibid, cl.* 5.

Treatment of insane persons.

2089. The darogahs are to secure, and send to the sudder station of the district, all insane persons found within the limits of their respective jurisdictions, from whose insanity there is reason to apprehend any fatal or serious consequences, unless the friends of such persons agree to enter into engagements to adopt such precautions as shall prevent their doing mischief. In such case the Police Officer, to whom the engagements are tendered, is to refrain from securing the person of the insane individual, and to await the instructions of the Magistrate, to whom the circumstances of the case are to be reported without delay.—*Ibid, cl.* 6.

Judges on circuit to be treated with respect.

2090. The Officers of Police are enjoined to show every mark of personal respect and attention to judges on circuit, during their progress from station to station.—*Ibid, sec.* 31, *cl.* 1.

2091. On the arrival of any European, not in Her Majesty's or the Honorable Company's civil or military service, who proposes to settle within the limits of any thana jurisdiction, the Darogah is to report the circumstances for the information of the Magistrate.—*Ibid, cl.* 2.

Arrival of Europeans to be reported.

2092. The Police darogahs are, towards the close of each English year, to cause the form of statement, in English and the vernacular, No. 21 to be exhibited to all Europeans, not in Her Majesty's civil or military service, residing within their respective jurisdictions, and are to require such Europeans to furnish for the information of the Magistrate seperate statements filled up according to the prescribed form either in English or the vernacular. These statements are to be forwarded by the Police darogah to the Magistrate on or before the 5th of January in each year.—*Reg. XX* 1817, *sec.* 31, *cl.* 3 *and* 4. These statements are no longer required.

Annual statement to be filled up by Europeans, and forwarded by Darogahs to Magistrate.

2093. The darogahs of Police are enjoined to afford assistance, on application from the revenue Officers, for the safe custody and conveyance of despatches of treasure; and to allow such despatches to be deposited during the night, for better security, within the house allotted for the thana.—*Reg. XX* 1817, *sec.* 32, *cl.* 1.

Assistance to be given in guarding despatches of treasure by revenue officers.

2094. The darogahs are likewise, as far as their other duties admit, to afford protection to despatches of treasure belonging to bankers and merchants, on application from the person in charge of the same.—*Ibid, cl.* 2.

And by individuals.

2095. Police Darogahs are not required to perform the duties prescribed by sec. 22 Reg. I, 1812 to prevent an evasion of the customary duties *i. e.* endorsing the rowanahs of salt *&c.*—*Cons.* No. 317.

Police Darogahs not required to endorse salt rowanahs.

2096. If the people of the village object or refuse to sign their names in attestation of the service of the notices, which Zimindars are required to serve in the case of putnee tennures advertised for sale, and if there be no Moonsiff, the peon serving the notices is required to go to the nearest Thanna, and there make voluntary oath of the same having been duly published; a certificate to which effect is to be signed and sealed by the Police Officers, and delivered to the person: Reg. VIII. 1819 sec. 8 cl. 2. In other cases, as in sales of certain estates for the recovery of arrears of revenue under sections 5 and 20 Act I, 1845, the law requires that proclamations should be stuck up in the Thannas. It seems unnecessary to quote each provision, for, as a general rule, the Darogah should affix in some conspicuous place in the varanda of the Cutchery House any proclamation which is sent to him by an authority in any Department of the public service.

Peon serving notices of putnees advertised for sale may swear to the fact of service before Police Officers.

Police Officers should affix in a public place all proclamations sent to them by the authorities.

2097. The Thanadars, Police Darogahs, Chaprasees &c. have no authority to call on Native Officers and soldiers on furlough for their leave of absense certificates, except under the immediate instruction of the Magistrate. Commanding Officers of regiments may apply for the aid of the Civil Authorities for the apprehension of deserters; and subordinate Police Officers, when duly authorized by the Magistrate, are warranted in detaining persons suspected of desertion.—*C. O.* No. 18, *of Vol.* 2, *3rd April* 1829.

Not to require certificate of leave of absence from sepoys on furlough.

Apprehension of deserters.

2098. The Police Darogahs are to take every favorable opportunity, when employed on local enquiries, as well as on other occasions, of explaining to the Zemindars, Talookdars, and other proprietors of land malgoozaree or lakhraj; to the suder farmers and under renters of land, dependant Talookdars, naibs and other local agents; and to all native Officers employed in the collection of the revenue and rents of land, on the part of Government or the Court of wards; the duties incumbent on them, and the responsibility attached to them, to communicate to the Magistrate and Police Darogahs, either publicly on secretly, all imformation which they obtain respecting the commission of murder, robbery, housebreaking, arson, or theft, within the limits of the estate or farm held or managed by them respectively; or respecting the resort of any known robbers of whatever description, or the residence of any notorious receiver or vendor or stolen property within such limits; as well as to offord their assistance in the apprehension of all persons

Darogahs to inculcate upon land-holders and managers of land their duties in giving information of crimes, apprehending offenders and maintaining the peace.

for whose apprehension warrants have been issued by the Magistrate ; and generally to co-operate with, assist, and support the Police Officers of Government in maintaining the peace, preventing as far as possible affrays and other criminal acts of violence, or apprehending the offenders under the rules and restrictions enacted and promulgated in the regulations.—*Reg. XX* 1817, *sec.* 33, *cl.* 1.

2099. To enable the Police Darogahs the more effectually and satisfactorily to perform the service thus required from them, the Magistrates are to be careful to furnish them with copies of, or extracts from all regulations in force on the points above adverted to, or any other immediately connected with the aid to be given by landholders, farmers, under tenants, and managers of land in support of an efficient Police.—*Ibid, cl.* 2.

SECTION XIX.

OF THE ZUMEENDAREE DAK.

Importance of facilitating communication.

2100. To facilitate the communication between the Magistrate's Court and the stations of the Dorogahs, and to enable the Magistrates to obtain speedy information of the occurrence of crimes, as well as with the view of preventing the unnecessary confinement of persons, who are detained in custody pending an enquiry of the Police Officers, or trial before the Magistrate, the Magistrates and Native Officers of Police are required to attend, as far as practicable, to the directions contained in the following rules.—*Reg. XX* 1817, *sec.* 10, *cl.* 1.

Superintendence of dâwk vested in nazirs and thana mohurirs.

2101. The superintendence of the despatch by Dâk of perwanas to the Darogahs, and of Reports from the Officers of Police to the Magistrate's Court is to be entrusted to the Nazirs of the Criminal Courts and to the Thana Mohurirs, who are to be held responsible for the speedy transmission of the packets to and fro ; and are to report to the Magistrates all instances of delay which come to their knowledge.—*Ibid, cl.* 2.

Official orders and reports are to be transmitted free of expense.

2102. As far as circumstances admit, the Magistrate's orders to the Police Officers, and the Thana reports, whether addressed to the Magistrate or to the Superintendent of Police, are to be transmitted by the Government Dâk ; and all Dâk Officers are required to receive and convey, free of expense, such orders and reports, the same being superscribed with the name and official designation of the Public Officer by whom the papers are despatched, together with the words "Kar Sirkar" to denote that they relate to the public service.—*Ibid, cl.* 3.

Establishment of subordinate dâwk stations.

Peons and paiks to be appointed by landholders, and dâk houses to be established

Darogahs to see that the establishment is properly regulated.

2103. In cases where a Thana is situated at a considerable distance from the route of the Government Dâk, the Magistrates in communication with their Police Officers are to establish dâk stations between the Thanas, or from the Thanas to the Magistrate's Court at proper distances, according to local circumstances, but not in any instance exceeding five coss ; and the land proprietors and farmers of land, or their local managers, are to be called upon to name and appoint the requisite number of peons or paiks (not being village watchmen) for the performance of this duty. In places where no establishment of regular Police Officers is stationed, they are also to be required to fix on a particular house in the village where the peons or paiks may at all times be found without delay, and to name the mundul, putwaree, or other person in the village, whose business it is to be to receive and forward the papers transmitted by the Dâk. A statement after the form No. 8 is to be kept up at each Thana ; and it is the duty of every Darogah, on his appointment to a Thana, to see that this paper is included in the records of the Thana, as well as that the Dâk for the conveyance of the Magistrate's perwanas and the Thana Reports is duly regulated, and the peons or paiks maintained by the landholders, farmers, or managers, at the appointed stages.—*Ibid, cl.* 4.

2104. The Nazir of the Magistrate's Court is to forward by a Dâk every day at the same hour (except when otherwise specially instructed by the Magistrate) all perwanas and papers addressed to the respective Thanas, which the Magistrate directs to be transmitted by the Dâk; and is to write on the envelope of each packet the date and time of despatch. It is likewise the duty of the Nazir to record on the envelope of all reports received from the Thanas the date and time of their receipt.—*Reg.* XX. 1817 *sec.* 10 *cl.* 6.

Date of despatch and time of receipt to be noted on the envelope by the nazir.

2105. All reports and papers transmitted by the Dâk from the Police Thanas are to be addressed to the Magistrate, and the seal of the Thana is to be affixed to the envelope; the Mohurir is to specify on the envelope the date and hour of despatch; and in cases where the papers of one Thana are left at another Thana on their transit to and from the Magistrate's station, the Mohurir of the latter Thana is to forward such papers, noting on the back of the envelope the date and hour of the arrival and departure of the dâk.—*Ibid, cl.* 7.

And by the mohurir; who is to address all envelope to the Magistrate.

2106. The Darogahs and Mohurirs are required to forward by the Thana dâk, or by the hands of their burkundazes, as occasions offer, such reports and papers as are send to them by the Moonsiffs for the purpose of transmission to the judge of the District; and they are to grant receipts to the Moonsiffs for such papers as are delivered to them.—*Ibid, cl* 8.

Police Officers are to receive for transmission by dâwk the reports of Moonsiffs.

2107. Sec X of Regulation XX 1817 is hereby repealed, so far as the same relates to the Districts and Provinces subject to the Government of Bengal.—*Act of Bengal Council No.* 8, *of* 1862, *sec.* 1.

Section 10, Regulation XX, 1817, repealed

2108. The appointment, removal, and payment of Dâk runners and other persons necessary for the performance of the service of conveying papers, letters, packets, and correspondence between Police Officers and Police Stations and Magistrates of Districts or Officers in charge of Sub-Divisions, shall be vested exclusively in the Magistrate of each District, or in such other Officer as the Government may, from time to time, direct.—*Ibid, sec.* 2.

Appointment, remuneration, and removal of Dawk-runners vested in Magistrate or other Officer appointed by Government.

2109. It shall be lawful for the Magistrate of every District, or for such other Officer as the Government may from time to time direct, to raise, as hereinafter provided, the monies necessary for the payment of the establishments required for the purpose of efficiently maintaining the Zemindary Dawks within the District, from all Zemindars, Sudder Farmers, and other persons paying revenue direct to Government in respect of lands situated within the District.—*Ibid, sec.* 3.

Raising of funds for maintaining Zemindary Dâwks

2110. Provided always, that no Zemindary Dawks shall be established or maintained under this Act between any two places between which a Government Post for the time being exists.—*Ibid, sec.* 4.

No Zemindary Dâwk to be maintained where there is a Government Post.

2111. The Magistrate or such other Officer as aforesaid shall in each and every year, on or before the last day of the month of December, fix, subject to the approval and revision of the Commissioner of the Division, the total sum necessary for the next ensuing year for the efficient service of the Zemindary Dâwks in his District, and apportion such amount rateably on the sudder jumma of the parties liable as aforesaid to pay the same, and shall appoint the days for the payment thereof.—*Ibid, sec.* 5.

Total sum necessary to be fixed and apportioned rateably on sudder jummas of those liable to contribute.

2112. A notice shewing the amount to be levied for the ensuing year and the rateable apportionment thereof among the persons liable to pay the same, and the days appointed for payment thereof, shall be affixed in some conspicuous place in the office of the Magistrate or of such other Officer as aforesaid, and also in the office of the Collector of the District, not less than fifteen days previous to the day appointed for the first half-yearly payment.—*Ibid, sec.* 6.

Notice to be given of amount to be levied, its rateable apportionment and days of payment.

Appeal to Commissioner when assessment on any one person exceeds forty Rupees in the year.
Proviso.

2113. An appeal shall lie to the Commissioner of the Division from any order of a Magistrate or such other Officer as aforesaid, imposing on any one person a pecuniary liability for more than forty Rupees a year under Section V, of this Act. Provided that such appeal shall be presented to the Commissioner within thirty days from the date of affixing in the Office of the Magistrate or of such other Officer as aforesaid the notice of the imposition of the liability appealed against.—*Ibid, sec.* 7.

Exemption from liability to pay assessment.

2114. It shall be lawful for such Magistrate or other Officer aforesaid, by an order to that effect, to exempt from the liability to payment of an assessment under this Act any person the sudder jumma of whose estates in any one District does not exceed fifty Rupees a year.—*Ibid, sec.* 8.

Payment to be half yearly, and in advance; and double amount to be levied on default.

2115. The sums leviable under this Act shall be paid into the District Treasury half-yearly and in advance by the persons liable to pay the same; and any person or the local Agent of any person liable to pay, any sum assessed under this Act, who shall refuse or shall for the space of thirty days after the day appointed for the payment thereof neglect to pay the same, shall be liable to pay double the amount so assessed, which said double amount, in default of immediate payment, shall be levied by the order of the Magistrate or of such other Officer as aforesaid by distraint and sale of moveable property of the person making default. Provided always that no person shall become liable to pay double the amount originally assessed, so long as any appeal instituted by him under Section VII. of this Act shall be pending.—*Ibid, sec.* 9.

Proviso.

Any surplus to be carried to credit of next year's Dawk Account.

2116. If the whole of the sum raised for the service of any one year be not actually required for that service, the surplus shall be placed to the credit of the Zemindary Dâwk account for the next ensuing year, and shall go in reduction of the total sum to be levied for the service of that year under this Act, and when a double amount is levied under the last preceding Section, so much thereof as is in excess of the sum for which the person from whom it is levied was in the first instance assessed, shall in like manner be placed to the credit of the next ensuing year's account and go in reduction of the total sum to be levied for that year.—*Ibid, sec.* 10.

Government to frame General Rules

2117. The Government may from time to time frame general rules for the guidance of the authorities and for the transport of the Dâwks established by this Act, provided such Rules be no incompatible with its provisions, or with the provisions of Act XVII. of 1854 (for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences, against the Post Office,) or with any Rules made under that Act by the Governor General of India in Council.—*Ibid, sec.* 11.

This Act not to affect contracts between Zemindars and their under tenants.

2118. Nothing in this Act contained shall in any way affect or alter any contract or engagement made or to be made by any Zemindar with any person holding under him.—*Ibid, sec.* 12.

2119. This Act shall take effect on and from the 1st. day of December next.—*Ibid, sec.* 13.

In the North Western Provinces a cess of 4 annas per cent on the Government jumma of estates is levied from the Zemindars on occount of Dâwk charges.

RULES RELATING TO THE RECEIPT, DESPATCH, AND DELIVERY OF LETTERS BY DISTRICT POSTS.

Control District Post Offices.

2120. *Rule* 1. Wherever any local establishment may be maintained for the conveyance or delivery of the Police, revenue, or other official communications, it shall also be made use of for the conveyance and delivery of private correspondence, and be designated a district post. *Rule* 2. All office or road establishments, attached to any district post, will be under the control and management of the officer to whom they may be entrusted by the local Government. *Rule* 3. Such Police stations and other public offices, as may be selected by the local Government, shall be constituted district post offices; but this shall remain under the management and supervision of the same officials who are at present in charge of them. *Rule* 4. A letter box, with a slit on the top or side shall be fixed in a conspicuous place *outside* of every district Post Office. The words "letter box" in English and the vernacular of the district shall

Letter box.

be painted on each box in legible characters. (Due precautions must be taken to have the boxes properly secured to the wall.—C. O. Government L. P. No. 21, 6th June 1855.) *Rule* 5. All letters (except those to be specially registered) intended for despatch from any District Post Office, must be dropped into the letter box. No receipt will be given. Every letter posted at a District Post Office must have its proper postage stamp affixed to it. *Rule* 6. Any person wishing to post a registered letter at any District Post Office can do so on payment of a registry fee of four annas, in addition to the ordinary postage chargeable on the letter, according to its weight. A receipt in the proper form must in all cases, be given to the poster of a registered letter, whether it be demanded or not. One anna of the registration fee will be allowed to the officer registering the letter, the remaining three annas must be sent with the letter by the same day's despatch to the nearest Post Office. (Now the registry fee is paid by postage stamps.) *Rule* 7. Every District Post Office will be supplied by the Post Office department with registered letter covers, forms of receipt and of register, and with the rules relating to registered letters. *Rule* 8. Except when it may be opened for the purpose of taking out the letters preparatory to their despatch, the letter box shall remain locked, the key being in custody of the person in charge of the office. *Rule* 9. Fifteen minutes before the hour at which the despatches of the office are usually made up, the letter box will be opened and the letters in it taken out. Those addressed to places to which there is a direct communication through the District post will be separated from all other letters, sorted and packed in covers addressed to the officer in charge of the District Post Office from which they will be delivered. The remaining letters will be made up into one packet and addressed to the nearest Post Office with which he has communication. *Rule* 10. A chalan or letter bill in the vernacular (Form 1*) will be sent with every packet despatched from a District Post Office to a Post Office. The Deputy Post

No receipt given.

Registry.

Registered letter covers &c.

Letter box to remain locked.

And to be opened 15 minutes before despatch.

* Form 1,

DISTRICT POST,

CHALAN No.—

Letters despatched from the District Post Office at to the Post Office at

Dated of 186 .

No. of letters.		No. of rates of Postage.	Postage.	
			Despatching Office.	Receiving Office.
	Unpaid letters returned			
	Unpaid Newspapers returned			
	TOTAL ..			
	Paid letters posted at this office ...			
	Paid Newspapers ditto			
	Paid letters returned			
	Paid Newspapers returned			
	Registered letters returned			
	TOTAL. ..			

C. D. A. B.

Post Master. *Post Master.*

N. B.—The receiving officer is invariably to enter the correct amount in the column of postage, whether it agrees with the despatching office or not.

Master or person incharge of the Post Office will, after satisfying himself that the contents of the packet agree with the chalan, copy the entries into his register, sign, and by the next day's despatch return the chalan. The receipted chalans will be filed and form the only record in any district Post Office of the despatches made from it. *Rule* 11. All chalans are to be mumbered consecutively in a series, commencing on the 1st of May, and if any district Post Office is in the habit of sending packets to more than one Post Office, the chalans sent to each Post Office will be numbered in a separate series. *Rule* 12. All letters sent from one district Post Office to another will be accompained by a chalan (Form 2*) which will be receipted and returned to the despatching office to be filed as a record.

To be numbered.

Letters received at Post Office for residents beyond ordinary delivery.

Rule 13. All letters received at any Post Office, to the address of persons resident in the same district, but beyond the limits of any ordinary post delivery, will, if the Post Office beat the head quarters of the district, be sent with a chalan (Form 1) to the Officer in charge of the district post, to be by him sorted and forwarded to the District Post Offices of the several sub-divisions in which the residence of the addresses may be situated. *Rule* 14. Persons in charge of Post Offices in the interior of District receiving letters for persons residing beyond the limits of their ordinary delivery, but within the sub-division of a District Post Office with which they have direct communication, will send them, if prepaid, for delivery to that Office, with a chalan (Form 1.) Letters for persons resident in the District, but within a sub-division with which the receiving Office has no direct communication, must be sent to the Post Office of the head quarters of the District. All letters bearing postage for delivery in the interior must be sent to the Post Office at the head-qnarters of the District. *Rule* 15. Officers in charge of District Post Offices will carefully compare with the chalan the contents of every packet received.

Contents of packet to be compared with chalan

* Form 2,

DISTRICT POST OFFICE.

CHALAN No.—

Letters despatched from District Post Office to District Post Office.

Dated of 186 .

No. of letters.		No. of Rates of Postage.	Postage. Despatching Office.	Postage. Receiving Office.
	Paid letters			
	Paid Newspapers			
	Registered Letters			

C. D. | A. B.

Post Master. | *Post Master.*

N. B.—The receiving Officer is invariably to enter the correct amount in the column of postage, whether it agrees with the Despatching Office or not.

If the chalan is correct it will be receipted and returned ; if not correct, the discrepancies will be noted thereon. *Rule* 16. A delivery book (Form 3*) showing the names of persons entrusted with the delivery of letters, will be kept in every District Post Office, and be the only record of letters received for delivery. *Rule* 17. Letters will be delivered by such persons and under such rules as the local Government may from time to time determine. Every person, through whom any District Post Letter may be delivered, is authorized to receive a fee of one pice (a fourth of an anna) for his own use, in addition to any unpaid postage which may be due on it. *Rule* 18. All postage realized on letters sent from any Post Office for delivery through the district post will be remitted every Saturday to the Post Office at the head quarters of the district with the remittance book (Form 4†) The person

Delivery Book.

Fees for delivery.

Postage realized.

*Form 3,

DISTRICT POST.

CHALAN NO.—

Letters despatched from the Post Office at to the District Post Office, at

Dated of 186 .

No. of Letters.		No. of Rates of Postage.	Postage. Despatching Office.	Postage. Receiving Office.
	Paid Letters			
	Ditto Newspapers			
	Ditto Registered Letters			
	Unpaid Newspapers			
	Ditto Letters			
	TOTAL.....			
			C. D. Post Master.	A. B. Post Masters.

N. B.—The receiving Officer is invariably to enter the correct amount in the column of postage whether it agrees with the despatching office or not.

†Form 4.

DELIVERY BOOK.

Date.	Names of Peons to whom Letters for delivery are made over.	Unpaid letters from Post Office.		Unpaid Newspapers from Post Office.		Paid Letters		Paid Newspapers.		Total Number of Letters paid and unpaid.	Total number of Newspapers.	Signature of Delivery Peon.
		Number.	Postage to be collected.	Number.	Postage to be collected.	No. of paid Letters for Post Office.	No. of Paid Letters for other District Post Office.	No. of paid Newspapers for Post Office.	No. of paid Newspapers for other District Post Office.			

A. B. Post Master.

in charge of the Post Office will give a receipt for the amount in the opposite column and return the book by the first despatch. At the close of the month, a balance will be struck showing the postage still due to the Post Office on letters which have been received ; this balance will be brought forward and a new account commenced on the 1st of the following month. *Rule* 19. All letters, which from any cause cannot be delivered, will be returned with as little delay as possible to the Post Office from which they were received, and if any unpaid postage be due on them, credit for the amount will be taken in the remittance book. Unpaid letters are never, under any circumstances, to be sent from one District Post Office to another. *Rule* 20. A monthly memorandum (Form 5)* showing the number of letters received for delivery at each district Post Office, will be prepared by the person in charge and sent on the 2nd of the following month to the Officer in charge of the Post Office at the Head-quarters of the District. Persons in charge of Post Offices will prepare similar memoranda and send them to the Post Office at the Head-quarters of the District. The Officer in charge will, before the 15th of each month, prepare a general statement showing the number of letters posted at, and delivered through the agency of the District Post Office in the preceding month.—*Order Govt. of India, August 12th*, 1854.

Letters which cannot be delivered.

Returns of letters received for delivery.

Form 5*

REMITTANCE BOOK,

Account between Post Office and District Post Office.

Date.	Postage due on unpaid Letters sent for delivery.			Remittance from District Post Office to Post Office.			Postage on Letters returned.			Total Remittance received.			Date of Receipt.	Signature of Post Master.	Signature of Officer in charge of District Post Office.	Remarks.	ABSTRACT.			
	Rs.	A.	P.	Rs.	A.	P	Rs.	A.	P.	Rs.	A.	P.					Cash received during month, Postage due on unpaid Letters returned, Balance due	Rs.	A.	P.

A. B. Post Master.

Supply of postage stamps to be kept at every Police station.

2121. A supply of Postage Stamps, for sale by retail, is to be kept available at every Thana, and every Police Station at which letters are received for despatch ; and it is the duty of the Officer, to whom the person in charge of any such station is subordinate, to take steps to ensure that the supply kept on hand is at all times equal to at least one week's demand. No account current of Postage Stamps is to be kept at any subordinate depôt. Officers in charge of treasuries, when selling stamps to other venders for distribution to the public, are invariably to require cash on delivery. To all purchasers of Stamps of the value of five rupees or more, an allowance is to be made of half an anna in the Rupee paid.—*Rule passed by the Govt. of India in C. O. Asst. Acct. Revenue No.* 837, *July 29th*, 1854.

SECTION XX.

Of Post Mortem Examination.

2122. Magistrates, sending bodies to the Civil Surgeon for examination, are to furnish them with all available information regarding the alleged cause of death. C. O. No. 152 of vol. 3, 24th Nov. 1843 L. P. 27th January 1844 W. P. In all cases where persons are known or suspected to have died from the effects of poison, the Magistrate is to communicate to Civil Surgeon, at the time of sending the body for examination, the name or any facts calculated to throw light on the nature of the poison, which is supposed to have been the cause of death.—*C. O. L. P. No.* 3, *April* 25*th*, 1856 *and W. P. No.* 546, *April* 12*th*, 1856 *para.* 1.

When bodies are sent to Civil Surgeon, all information to be given.

2123. The Court are pleased to prescribe for general adoption the accompanying form of "letter to surgeon" for examination of wounded persons, and dead bodies.—*C. O. W. P. No.* 859, 1*st June* 1857 *para.* 1.

Form of letter to Civil Surgeon.

2124. This form will supersede the present Registered forms No. 30 and 32 and the Magistrates are requested to indent on the Government Press, through the Court, for the number required annually for the use of their respective Office.—*Ibid, para.* 2.

Indent for form.

2125. Form of letter,

No.

From the Magistrate

To the Civil Surgeon of

Sir,

I have to request the favor of your examining sent to the Hospital on the Be so good as to fill up the columns on the reverse of this letter, and return it to me with such remarks as you may consider necessary to show clearly your opinion of the cause of

2nd. All that is at present known of the case is as follows:

I have the honour to be

Your Most obdt. servant

Magistrate's Office
The of 186 .

Magistrate.

1	2	3	4	5	6
Nature of injury *i e* whether a cut, a bruse or a burn, &c. &c.	Size of each injury in inches *i e* length breadth and depth.	On what part of the body inflicted.	Slight, severe, or dangerous.	By what kind of weapon inflicted.	Remarks.

Hospital,
The of 186

Civil Surgeon.

Notice taken of delay in sending corpse to the Civil Surgeon.

2126. The Court having recently had before them several cases, where no *post mortem* examination could be made by the Civil Surgeon, on the arrival of a corpse at the Sudder Station, in consequence of decomposition, are led to believe that delay too frequently occurs not only on the part of the Police in sending in the dead bodies ; but also, though in a less degree, after the arrival of the body in the station, where it remains in the charge of the Nazir, until the English letter, which is to accompany it from the Magistrate to the Civil Surgeon, is being drawn out in the form prescribed by the Courts Circular No. 859 dated 1st June 1857.—*C. O. W. P. No.* 6, 13*th April* 1860 *para.* 1.

Police to send in bodies without more delay than is absolutely necessary.

2127. It is perfectly possible in most cases, even occuring at the hottest time of the year, to cause bodies to be sent in by the Police so speedily that they shall arrive in a condition to be examined, and the Court, accordingly, enjoin on the Magistrates, subordinate to them to insist, in the first place, on the despatch of the body by the Police without more delay that is *absolutely* necessary, the hour and date of despatch being always noted on the *chalan* and urzee of the same date.—*Ibid, para.* 2.

Each coolies to be paid a day's hire for every ten miles.

2128. Next, in order to prevent any delay in procuring coolies along the road, which aries, as the Court fear from (the men who convey the corpse) being two often engaged without due remuneration, the Magistrate should strictly order his Police to advance the necessary remuneration, and to pay each coolie the usual hire obtaining for a day's work, for each stage of 10 miles.—*Ibid, para.* 3.

2129. *Thirdly.* The hour at which the body reached and was forwarded from each intermediate thana and chowkee, should always be noted on the chalan.—*Ibid, para.* 4.

Body to be taken direct to the Civil Surgeon.

2130. On the arrival of the body at the place of residence of the Magistrate, wherever there may be a Civil Surgeon posted to the station, it should be taken direct, and without any delay by the burkundaz in charge of it, for examination by that Officer, without incuring the delay, which now not unfrequently takes place in waiting for the preparation of the formal letter, an urzee being sent in along with the corpse, addressed to the Civil Surgeon. A duplicate of this urzee should be brought in by the burkundaz and delivered to the Nazir, according to which the usual letter of form, containing the particulars required by the Courts Circular of the Nos. and dates in the margin is to be drawn up and transmitted without delay to the Civil Surgeon.—*Ibid para.* 5.

No. 152 Jany. 27th 1844. No. 546 April 12th 1856. No. 859 June 1st 1857.

District Superintendents to call for reports from Civil Surgeons.

2131. Hitherto reports of the Civil Surgeon in cases of suspicions or violent death by wounding, &c, have been called for by the Magistrate. Inconvenience is found to arise from this practice, and you are directed, under the authority of the Lieutenant Governor, N. W. P. to call for these reports for the future.—*C. O. Inspector General of Police No.* 19, 16*th August* 1861 *para.* 1.

In cases of death Civil Surgeon to be requested to hold a *post mortem* examination.

2132. In cases of death, the report required from Civil Surgeon should not be of the open or apparent cause of death only. The body shall be sent for *post mortem* examination which should extend to every part of the body. As an illustration of the necessity of this, the following is an actual occurrence during this year.—*Ibid, para.* 2.

Illustration of the inconvenience experienced from malteration to this rule.

2133. A woman was found with her throat cut and other wounds. The murder was supposed to have been committed in furtherance of robbing the deceased. On further investigation by the European Officer proof was obtained that the woman was suspected of infidility, and was reported to have been pregnant under circumstances which would convict her of infidility. The Civil Surgeon having been called upon to report the cause of death only, did not extend his enquiry further than was apparently necessary, and the question of pregnancy could not be solved, and a most important point of evidence was lost.—*Ibid, para.* 3.

Form of letter.

2134. The requisition to the Civil Surgeon will be in the following form :—

SIR,

You are requested to hold a *post mortem* examination on the body of send herewith ; and to furnish a report of your examination to.

Your most obedient servant,

[1] District Superintendent.

Ibid, para. 4.

2135. Whenever it is necessary to direct attention to any particular point, a foot note may be added, as for instance in cases of poisoning a remark should be added as follows :—

Particulars to be added in foot note.

"Deceased is supposed to have been destroyed by poison, and your attention is requested to the determination of this point."—*Ibid, para.* 5.

2136. In cases of personal injury unattended with loss of life, the form of requisition now in use may be continued.—*Ibid, para* 6.

2137. Inconvenience having often been experienced in criminal Investigations, by reason of the decayed state in which dead bodies have frequently reached the Sudder Station of Districts, for the purpose of examination by the Civil Surgeon ; the Court of Nizamut Adawlut are pleased to prescribe the adoption of the following Rules, suggested by the Magistrate and Civil Surgeon of Agra, and which have been approved by Government.—*C. O. W. P. No.* 3, 19*th February*. 1862, *para.* 1.

Rules for sending dead bodies for examination to the Civil Surgeon.

2138. A convenient and strong *doolee* shall be provided and kept up by the Magistrates of Districts at every 1st and 2nd Class Police Station ; the expense of construction being charged in their contingent bills.—*Ibid, Rule* 1.

Doolies to be kept up at 1 and 2 class Police stations.

2139. Whenever a dead body is brought for transmission to a Sudder Station, a layer of charcoal should be first laid in the *doolee*, 2 inches deep, and the body, being placed therein, should be covered with charcoal and thus sent in.—*Ibid, Rule* 2.

Body to be covered with charcoal.

2140. The charcoal, on the return of the *doolee*, should be spread in the sun, and thoroughly dried.—*Ibid, Rule* 3.

2141. The cost of transit and other incidental expenses should be charged in the Monthly contingent Bills.—*Ibid, Rule* 4.

2142. When a wounded individual is sent by the Magistrate for examination as to the nature and extent of his or her wounds, it rests with the Surgeon to decide whether such person is to be placed in the hospital for treatment, or not ; and the Surgeon's order on this point is to be conclusive.—*C. O. No.* 142 *of vol.* 3, *L. P.* 25*th August* 1843 *W. P* 30*th Idem.*

2143. Officers, forwarding to the examiner, substances for chemical examination, are to furnish him with every detail that can be obtained both from the Civil Surgeon and those persons who depose to the facts of the case.—*C. O. No.* 129 *of vol.* 3, *L. P.* 10*th April* 1843 *W. P.* 4*th Idem C. O. Sup. Pol. L. P. No.* 6. 10*th Feb.* 1843.

2144. Chemical tests having lately been supplied to the Civil Surgeons of several districts in the N. W. Provinces, the court take this opportunity of calling the attention of Magistrates in general to the requirements of their C. O. No. 129 dated 4th April 1843.—*C. O. W. P. No.* 546, 12*th April* 1856 *para.* 2.

CHAPTER IV.

OF LAND HOLDERS.

SECTION I.

OF THEIR RESPONSIBILITIES.

2145. Land-holders and farmers of land are not responsible for robberies committed in their respective estates or farms, unless it is proved that they connived at the robbery ; received any part of the property stolen or plundered ; harboured the offenders aided, or refused to give effectual assistance to prevent their escape ; or omitted to afford every assistance in their power to their Officers of Government for their apprehension ; in either of which cases they are subject to be prosecuted personally for the crime or offence before the sessions Court, and if convicted, their lands and effects are liable to be sold at the discretion of Government to make good the value of the property stolen or plundered to the owner.—*Beng. Reg. XXII.* 1793 *sec.* 3.

Landholders are not responsible for robberies, except in cases of neglect or connivance.

Landholders, responsible for the preservation of the peace.

2146. The Land-holders and village farmers are bound to, and responsible for, the preservation of the peace within the limits of their respective estates and farms.—*Beng. Reg. XVII.* 1795 *sec.* 2 *Ced. prov. Reg. XXXV* 1803 *sec.* 2 *W.* P. *Reg. XIV.* 1807 *sec.* 4.

Police duties for which the village Zumeendars and farmers in Benares.

Bound themselves to be responsible.

2147. The engagements entered into by the village Zumeendars and farmers [in Benares] bound them to be responsible, subordinately to the aumil * for the maintenance of the peace, and for apprehending all disturbers thereof in and throughout their respective estates and farms ; not to harbour thieves or robbers but to secure their persons and deliver them up for trial ; as well as to recover, or in failure thereof to be answerable for and to make good the value of, all property robbed or stolen within their respective limits : and to send in for trial, accompanied by an attested report of the circumstances of the case, all parties concerned in broils, affrays, murders, or other breaches of the peace.—*Ben. Reg. II,* 1795 *sec.* 14 *cl.* 8 *and* 9.

How far Landholders are responsible for thefts and robberies.

2148. Land-holders and farmers of land are considered responsible for robberies or thefts committed in their respective limits, estates, or farms ; it being understood † however that for night robberies in the open roads or woods the land-holders or farmers are not to be held responsible, unless it is proved that they had such knowledge of the circumstances, as might reasonably have been expected to enable them to have prevented the theft or robbery ; but that for thefts or robberies in inhabited places they are to be considered as liable to be made responsible, whether notice of the arrival of the owners of the property has been given to them or not, if under the circumstances of the case the Magistrate be of opinion, that the theft or robbery was committed with their connivance or the or that the perpetration of it was ascribable to their

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* The tuhseeldaree (or aumildaree) system of Police established by the above and other regulations in Benares, and the ceded and conquered provinces, was declared to have been found inefficient for the purposes intended by it, and was consequently repealed by Reg. XIV. 1807, and all mention of the tuhseeldars, their duties and responsibilities, has accordingly been struck out of the provisions quoted in succeeding paragraph.

† The preamable to regulation XVII 1795 thus explains the causes of this provision. " But the parties, thus made responsible, having represented that robberies and thefts committed on *beparies* and others were often perpetrated in consequence of their stopping and remaining during the night, with cattle and goods, in the open fields or woods, instead of putting up in the villages, and giving notice of their arrival so as to admit of their security being duly attended to, it was provided by a general notfication issued by the resident on the 29th January 1789, that no person should be entitled to restitution or indemnification by the aumils, land-holders, or farmers, for losses by taeft or robbery committed at night in the open fields or woods, and that restitution or indemnification should be claimable only in cases in which the owners of the property had put up at some town or village, and given notice of their arrival. But it having been subsequently considered, that it was the duty of the aumils, and the landholders and farmers, to have information conveyed to them of the arrival of merchants and travellers within their respective limits, and to provide for their security and protection ; and it having appeared improbable that travellers and merchants in general would be apprized of the requisition for their giving notice of their arrival at a town or village ; it was deemed inconsistent with the principles of justice, that any omission in this respect on their part should be allowed to exempt the aumils, landholders, or farmers, from making good any losses they might sustain by theft or robbery. It accrodingly became an established principle throughout the province, that for night robberies in the open roads or woods the tuhseelders, land-holders and farmers were not to be held responsible unless" &c. as above.

want of care or vigilance.—*Ben. Reg. XVII.* 1795 *sec.* 3 *Ced. Prov. Reg. XXXV* 1803 *sec.* 3, *cl.* 1. These rules are declared to be still in force throughout *Ben.* and *Ced.* and *conq. Prov.* by *Reg. XVI.* 1807 *sec.* 19 *cl.* 1.

And for the value of stolen property brought into their estates.

2149. The land-holders and farmers are further responsible for the value of any stolen or plundered property, proved to have been brought into their estates or farmes with their knowledge or connivance, and which they have not caused to be delivered up, or respecting which they have not given timely information to the local Police Officer or to the Magistrate *Ben.* and *Ced.* and *conq. Prov.*—*Reg XIV.* 1807 *sec.* 19 *cl.* 2.

Claims for the value of stolen property to be tried in the Civil Courts.

2150. All claims upon the land-holders and farmers for the value of stolen or plundered property, under the above rules, are to be instituted, tried and decided in the Civil Courts, subject to the general rules of appeal.—*Ben. and Ced. and conq. Prov. Reg. VIII* 1797 *sec.* 2; *and Reg. XIV.* 1807 *sec.* 19 *cl.* 3.

Land-holders required to prevent affrays and other breaches of the peace, and to apprehend persons commiting such.

2151. The land-holders and farmers of land, who by the above provisions are entrusted with the Police of their respective estates and farms, are required, with the assistance of their paiks, chokeedars, pasbans, and other descriptions of village watchmen, to give at all times their utmost care and vigilance to prevent affrays, assaults, and all other acts of violence and breaches of the peace, within their respective estates and farms; as well as to apprehend, and deliver over to the Police Officers any persons who are found in the act of committing a breach of the peace, or whom the village watchmen are required to apprehend by [sec. 21, Reg. XX. 1817].—*Ben. Reg. II.* 1797 *sec.* 2, *ced. Prov. Reg. XXXV.* 1803 *sec.* 3, *cl.* 2.

2152. The Court of Nizamut Adawlut have reason to believe, that an opinion is entertained by some of the Magisterial Authorities in these Provinces that, in villages held by coparcenary communities, the Lumberdars only are held responsible for any breach of Police obligations that may occur therein; and they deem it proper therefore to intimate, that such an opinion has been held by them to be inconsistent, with what may fairly be understood to have been the intention of the Legislature in the various Regulations enacted for declaring and defining the duties and responsibilities of land-holders in matters connected with the Police, and that Putteedars, though not Lumberdars, are equally liable with sudder Malgoozars or Lumberdars to the penalties provided by the enactments in force for all acts of a criminal nature, of which they may be proved to be guilty in connection with those duties.—*C. O. W. P. No.* 1210, 11*th, August* 1856.

SECTION II.

OF INFORMATION REQUIRED FROM LANDHOLDERS AND OTHER PERSONS AND OF CONNIVANCE IN OFFENCES.

Information to be given regarding the resort to their estates of dacoits and other robbers.

2153. All Zumeendars, Talookdars and other proprietors of land, whether malgoozaree or lakhiraj; all sudder farmers and under renters of land of every description; all dependant talookdars; all naibs and other local agents; all native Officers employed in the collection of the revenues and rents of lands on the part of Government, or of the court of wards; are specially accountable for the early and punctual communication to the Magistrates and Police Darogahs either publicly or secretly, as to the informants judge proper, of all intelligence which they obtain respecting the resort to any place, within the limits of the estates or farms held or managed by them, of any person or persons of the different classes of people ordinarily known by the appellation of dacoits, *Kozaks, thugs,* or *budhucks,* or of any other description of robbers.—*Reg VI,* 1810 *sec.* 2.

Of the residence of any receiver or vender of stolen property within their estates.

2154. All Zumeendars, talookdars, and other proprietors of lands, whether malgoozaree or lakhiraj; all sudder farmers and under-renters of landof every description; all dependant talookdars; all naibs and other local agents; all native Officers employed in the collection of revenue and rents of lands on the part of Government, or of the court of wards; are hereby declared accountable for the early communication to the Magistrate, either secretly or publicly, of all information which they obtain respecting the residence of any notorious receiver or vender of stolen property within the limits of the estate or farm held or managed by them.—*Beng. Reg. I.* 1811 *sec.* 10, *extended to ced. and conq. Prov. and to Ben. by sec.* 2, *Reg XV.* 1812.

Of the commission of robberies perpetrated within their estates.

2155. All Zumeendars, talookdars, and other proprietors of lands, whether malgoozaree or lakhiraj; all sudder farmers and under-renters of land of every description; all dependant talookdars; all naibs, and other local agents, all native Officers employed in the collection of the revenue and rents of lands on the part of Government, or of the court of wards; are declared especially accountable for the early and punctual communication to the Magistrates or Police Darogahs of all information which they obtain respecting the commission of robberies, and likewise regarding the offence of breaking into houses, tents, or boats, or other place of habitation, perpetrated within the limits of the estate or farm held or managed by them.—*Reg. III.* 1812 *sec.* 4 *cl.* 2.

Of the commission of murders, arson and thefts, perpetrated within their estates.

2156. All Zumeendars, talookdars and other proprietors of land, whether *Malgoozaree* or *lakhiraj*; all sudder farmers and under-renters of land of every description; all dependant talookdars, all naibs and other local agents; all native Officers employed in the collection of the revenue and rents of lands on the part of Government, or of the court of wards; are declared especially accountable for the early and punctual communication to the Magistrates, or Police Darogahs, of all information which they obtain respecting the communication of murders, and likewise regarding the Offences of arson and theft perpetrated within the limits of the estate or farm held or managed by them.—*Reg VIII.* 1814 *sec.* 2.

The duty of landholders and others to give information of illegal cultivation of poppy.

2157. All proprietors, Farmers, Tuhseeldars, Gomastas, and other managers of land, shall give immediate information to the Police or abkaree Darogahs, or opium Gomashtas, or to the Magistrates, Collectors, or Officers in charge of the Abkaree Mehals, or to the agents, their Deputies or Subdeputies of all poppy which may be illegally cultivated within the estates or farms held or managed by them; and every proprietor, farmer, Tuhseeldar, Gomashta or other manager of land, who shall knowingly neglect to give such information shall be liable to the penalties for illegal cultivation prescribed in the last preceding section.—*Act XIII* 1857 *sec.* 22.

Landholders and their agents to report when they discover any saltpetre factory within their estates working without a current license

2158. Landholders and their resident Agents are required to satisfy themselves that the owner of any factory for the manufacture of crude saltpetre or other substance named in Section 11 of Act 31 of 1861 and for the refining of saltpetre and for the separation and purification of salt which may be established on their estate is in posession of an unexpired license. They are further required to report at once to the nearest Police, or customs authority, any case in which they may discover on their estate any such factory working without a current license. Failure to observe this rule shall subject any landholder or his resident agent to the penalties of sec. 4 Act 14, of 1843, where the landholder is non-resident, his local agent shall alone be held responsible for observance of this rule.—*C. O. Govt. W. P. No.* 147 *A*, 15*th Nov.* 1861 *Rule* 68.

It is not sufficient that the information is received from the Chowkeedars.

2159. The Zumeendars are obliged to give, under certain prescribed penalties, the required information respecting *dacoities*, murders, and other crimes committed within the limits of their estates, which come to their knowledge; and it is not sufficient that the same information is received from the chokeedars. The mode in which the information is to be communicated appears to be left to the discretion of the Zumeendars; in general it should be supplied in writing, but

if the Zumeendar has any secret information to give, he may wait on the Magistrate personally for that purpose; and it is optional with him to send a servant to the Magistrate or to the Darogah, as he sees fit.—*Const. No.* 1281.

No persons exempted from the performance of such duties by reason of place of birth or descent.

2160. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the British territories in India, whether in perpetuity or for a term, or being a local agent or manager of any such property, is by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the salt and opium revenue, or from any duty whatever of a public nature, to which he would otherwise be subject, as the owner or holder of such property or as a local agent or manager thereof.—*Act II.* 1853, *sec. 1.*

All persons liable to the same procedure and penalties.

2161. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions, as if he were a native of the said territories. —*Act. II.* 1853 *sec.* 2.

Guardians of minors not under the court of wards are responsible.

2162. In the case of a minor whose estate is not under the Court of Wards, the executor or guardian must, during the minority, stand in the place of the minor, and be subject to all the rules of suits and defence to which the minor himself would be subject were he not a minor.—*Const.* No. 335.

And the same rules are to be observed in the Government Khasmehals.

2163. The Magistrate is to take particular care to see, that in the Government Khasmehals the same Police rules are obeyed by the tuhseeldars and village Officers, as are in force according to the law in private Zumindarees. In case of this not being done, he is immediately to report the instances of neglect to the Superintendent of Police, that measures may be taken to have the same remedied; but the transmission of such report is not to cause the Magistrate to postpone the issue of any orders, which he is authorized by law to pass.—*C. O. Sup. Pol. L. P. No.* 4 *17th Feb.* 1840.

2164. In cases of burglary and theft unattended with personal violence, the suffering party is not bound to report the case to the Police, unless he is a Zumeendar, and has to report the occurrence in that capacity.—*Const. No.* 1338.

Chowkeedars are to report all cases which come to their knowledge.

2165. Chokeedars are not exempted by these rules from the duty of reporting the commission of such offences to the Police, who are still bound to report all cases that come to their knowledge to the Magistrate. But the Magistrate should make use of other sources of information than his Police Officers to discover crimes, and should use his utmost endeavours by consideration and kindness, to procure the co-operation of respectable land-holders and their agents in the detection of offenders.—*C. O. No.* 130 *of vol.* 2, 21*st December* 1832.

SECTION III.

OF THE DUTIES OF LANDHOLDERS IN THE APPREHENSION OF ABSCONDED OFFENDERS.

Registers of escaped convicts and persons absconded to be kept up by the Magistrates.

2166. The Magistrates are to keep up and regularly revise, according to the forms given in No. 1 and 3 a register of convicts who have broken Jail or have otherwise effected their escape, and a register of persons charged with or suspected of the commission of specific crimes of a heinous nature, who have eluded the pursuit of justice: copies of these registers are to be forwarded half yearly to the Superintendent of Police.—*Reg. III* 1812, *sec.* 9, *cl.* 1 *and* 2.

2167. Register of convicts who have broken Jail or have otherwise effected their escape.

Name and caste of the persons who have escaped from Jail.	Name of the father.	Supposed age.	Description of his person	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender, or ascertained death.	No. of case; the year in which it is preferred; and in what part of the record Office the record is to be found.

Reg. III. 1812 *Form No.* 1.

2168. Register of persons charged with, or suspected of, the commission of specific crimes of a heinous nature, who may have eluded the pursuit of justice

Name and caste of the persons accused or suspected.	Name of the father.	Supposed age.	Description of his person.	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender or ascertained death.	No. of case; the year in which it is preferred; and in what part of the record Office the record is to be found.

Ibid, Form No. 3.

And lists to be prepared therefrom half yearly or oftener, and transmitted to the land-holders with warrants for the apprehension of the persons named therein.

Copies to be sent also to the Police Darogahs.

2169. At the expiration of every six months, or oftener, when circumstances appear to require it, the Magistrates are to cause lists to be prepared from these registers of all persons therein named, who have not been apprehended; and are to transmit copies of such lists to the principal land-holders, farmers, and managers of land, together with warrants for the apprehension of the persons therein named, agreeably to the forms No. 4 and 6 Transcript of the lists thus prepared are to be at the same time transmitted by the Magistrates under their Official seal and signature to the Police Darogahs for their information.—*Reg. III.* 1812 *sec.* 9 *cl.* 3.

2170. *To (Name of the landholder, farmer, or local agent, to whom the warrant may be addressed, and the name of the estate, pergunnah, or mehal, of which he may be proprietor, farmer, or manager.)*

Whereas the person or persons (convicts) herein named, having effected his or their escape from the Jail of Zillah (or city)———, you are hereby authorized and required to apprehend, and

deliver over to the custody of the nearest or other Police Officer of Government, the said person or persons, all any of whom shall be found within the limits of the estate, farm, or lands committed to your management, or to give information to the Magistrate or nearest Police Officer of Government, of the place of concealment, resort, or abode of such person or persons, so that he or they may be apprehended. In this fail not

Dated

Name and caste of the persons, who have escaped from Jail.	Name of the father.	Supposed age.	Description of his person.	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender, or ascertained death.

The number of persons included in the list to be specified in English by the Magistrate.

Zillah and date of warrant :—

Reg. III. 1812 *Form No.* 4.

2171. *To (name of the landholder, farmer, or local agent, to whom the warrant may be addressed, and the name of the estate, pergunnah, or mahal, of which he may be proprietor, farmer, or manager.)*

Whereas the person or persons herein named, have been charged on oath before the Magistrate of Zillah (or city)————,with the crimes herein specified, and whereas the Magistrate has strong grounds to suspect that such person or persons have been concerned as principals, or accessaries in the perpetration of the said crimes, and the appearance of such person or persons being required at the Cutchery of the Magistrate of the aforesaid Zellah (or city) to answer to the matter alleged against them, you are hereby authorized and directed to apprehend, and to deliver into the custody of the nearest or other Police Officer of Government, the person or persons herein named, should all or any of them be found within the limits of your estate, farm, or lands, or to give information to the Magistrate, or nearest Police Officer, of the place of concealment or abode of such person or persons, so that he or they may be apprehended.

In this fail not. Dated.

Name and caste of the persons accused or suspected.	Name of the father.	Supposed age.	Description of his person.	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender, or ascertained death.

The number of persons included in the list to be specified in English by the Magistrate Zillah and date of warrant.—*Reg. III.* 1812 *Form No.* 6.

Written acknowledgement of their receipt required from the land-holders.

2172. The Magistrates are to be careful to obtain from the land-holders, farmers, and managers of land, or from their representatives, to whom such lists and warrants are delivered, written acknowledgements of the receipt of them.—*Reg. III.* 1812 *sec.* 9 *cl.* 4.

Such warrants can be issued only in heinous offences; and must contain specification of crimes charged.

2173. It is only in the case of *crimes of a heinous nature* that a Magistrate can address a warrant to a land-holder for the apprehension of an offender under this law. A warrant which did not contain a specification of the crime, with which the absconded person was charged, was held to be insufficient and invalid, and one therefore which the landholder could not legally put in force.—*Reports L. P.* 1853 *part* 1, *page* 577.

Land-holders &c, to whom such lists and warrants are sent, may apprehend the persons named therein.

2174. All Zumeendars, talookdars and other proprietors of land, whether malgoozaree or lakhraj; all sudder farmers and under renters of land of every description, all dependant Talookdars; all Naibs and other local Agents; all Native Officers employed in the collection of the revenues and rents of land on the part of Government, or of the Court of wards; to whom the lists and warrants have been delivered, are authorized either to cause the immediate apprehension of any of the persons named in either of the lists, who are found within the limits of the estates held or managed by them; or to apply to the nearest Police Officer for any aid which may be required in the execution of that duty: or simply to communicate to such Officer such information as has been obtained respecting the place, to which the persons in question resort, or in which they are concealed.—*Reg. III.* 1812 *sec.* 9 *cl.* 5.

But land-holders cannot be called upon to give certificates that absconded offenders are not within the limits of their estates.

2175. It was held that a requisition by a Magistrate from the Zemindars of villages, within a certain distance from that where an affray attended with Homicide occured, of certificates that the absconded offenders implicated in the affray were not within the limits of their estates, was not warranted by the above provisions.—*Const. No.* 1852.

Such persons when apprehended are to be delivered into the charge of the nearest Police Officer.

2176. Persons who are apprehended under the provisions of this regulation are to be delivered as speedily as possible into the charge of the nearest Police Officer for the purpose of being forwarded under safe custody to the Magistrate; and an acknowledgement is uniformly to be given by such Police Officer, specifying the names of the prisoners, and the date on which they were delivered into his charge.—*Reg. III.* 1812, *sec.* 9, *cl.* 6.

2177. The several Zumindars, farmers, and local agents, to whom warrants and lists of public offenders have been furnished under these provisions, are required to transmit to the Magistrates, on the 30th June and 31st December in each succeeding year, returns according to the form No. 7 of all offenders who have been apprehended by them, or by means of information given by them to any Police Officer during the preceding six months; counter parts of which returns are at the same time to be transmitted by the several Zemindars, farmers, or local agents, by means of the public dâk to the Office of the superintendent of Police.—*Reg. III*, 1812, *sec.* 9, *cl.* 7.

Zemindars &c. are to furnish half yearly reports of the persons so apprehended.

2178. Half yearly return of persons apprehended under the provisions of Regulation III 1812 by (*name of Zumeendar, farmer, local agent, or Police Darogah*) of (*name of estate, farm, or thana*) of (*Zellah or city jurisdiction.*)

Numbers and dates of warrants under which apprehended.	Names of persons apprehended.		Date of apprehension.
	Persons who had escaped.	Persons who had eluded the process of the Court	

Reg. III. 1812 *Form No.* 7.

2179. In like manner the darogahs are to transmit, at the same periods, returns of all persons named in the lists with which they have been furnished, who have been apprehended by them during the preceeding six months, accompanied by any explanation which they wish to offer in the event of no persons having been apprehended; copies of the prescribed returns and explanations are at the same time to be forwarded by the Police darogahs by the public dâk to the Superintendent of Police, and such returns are to be invariably made, whether any persons have been apprehended or otherwise, and are to be despatched on or before the 15th of January and July. *Reg. III*, 1812 *sec.* 9, *cl.* 8.

So Darogahs are to furnish half yearly reports of such persons apprehended by them.

2180. Magistrates are to cause it to be explained to all persons to whom warrants are granted for the apprehension of persons under the above provisions, that if in the legal execution of such warrants, either by themselves or by any person or persons acting under their authority, any resistance is made by the party named in the warrant, or by any other person, (the said warrant being shown to the party so resisting) such Zumeendar, farmer or local agent or other person acting under their authority, by whom the warrant is executed, is to be held guiltless with regard to any consequences, which ensue from such resistance to the execution thereof.—*Reg. III* 1812, *sec.* 10, *cl.* 1.

Magistrates to explain to Zumeendars &c. that they will be held guiltless of any consequences ensuing from resistance to the execution of such warrants.

2181. Any resistance by any person whatever of any warrant or process of the Court issued under this regulation, is to be punishable in the same manner, as is prescribed by the existing regulations for resistance of processes of the Magistrates.—*Ibid, cl.* 2.

Resistance to such process how to be punished.

2182. The Magistrates are to cause it to be carefully explained to the Zumeendars, farmers, and their local agents, to whom warrants are granted under this regulation, that they will not be required either to become prosecutors, or to attend the Court, or to adduce evidence, or otherwise be subjected to any personal inconvenience or expence on account of any charge or prosecution, which is depending or is instituted against any person legally apprehended by them under this regulation, or who are apprehended by means of any information which they furnish to any Police Officer.—*Ibid, sec.* 11, *cl.* 1.

Zumeendars &c. to be informed that they will not be required to prosecute or attend the Courts in such cases.

Evidence as to persons so apprehended is to be procured through the regular Police Officers.

2183. In the event of any evidence being required by the Magistrate in regard to the general character of any party apprehended by means of any Zumeendar, farmer or local agent, or in respect to any other point or matter which is not furnished by the proceedings previously held by the court, or by any other record of the Magistrate's Office, the Magistrate is to cause such evidence to be procured by means of the regular Police Officers.—*Ibid, cl.* 2.

Magistrates may grant such lists and warrants to persons not being Zumeendars &c., with their own consent; and these rules are applicable to such persons.

2184. The Magistrates are empowered to grant such lists and warrants as are described above to any individual with his consent not being a Zumeendar, farmer, or local agent for the management of lands, or regular Police Officer of Government; and the provisions of this regulation are to be held applicable to the legal execution of any warrant of the Magistrates by any person so employed.—*Reg. III* 1812, *sec.* 13.

SECTION IV.

OF TREATMENT OF LAND-HOLDERS BY MAGISTRATES; AND MISCELLANEOUS RULES.

Importance of acquiring the assistance of Land holders.

2185. It is of the greatest importance, that the Magistrate should acquire the assistance of the European and native Land-holders (and indeed of the people generally) in the district in the detection and suppression of crimes; and he should make the obtaining, of this one of the principal objects of his attention.—*C. O. Sup. Pol. L. P. No.* 13, 15*th Oct.* 1846.

Mode in which a Magistrate succeeded in gaining their co-operation.

2186. A Magistrate succeeded in obtaining the co-operation of the Zumeendars, and almost every description of people, to an extraordinary degree, by assembling and explaining to the naibs and agents of the Land-holders the purport and intention of the regulations, the assistance and co-operation expected from them, and the consequences of any omission or neglect on their part either to assist the Police Officers, or to deliver up notorious dacoits, vagrants, or persons of bad or suspicious character supposed to subsist by depredations on the public.—*C. O. No.* 53, *of vol.* 1, 31*st May* 1809.

Mochulkahs not to be taken from them with such object.

2187. In pursuing the system pointed out in the above order, the Magistrate is not to take *mochalkas* from the Zumeendars, or *munduls* or ryots; it is sufficient that the regulations prescribe the duties to be performed by such people, and the adequate penalties for neglect. It is not the policy of Government to invest to Zumeendars with power to apprehend persons on the ground of their being known robbers or vagrants; but to restrict their agency to the communication to the Magistrate and Police Officers of early information respecting the commission of public offences, and at the same time to withhold from them all positive power of interference in matters of that nature, in which experience has shown that they could not safely be trusted. It is of course to be understood that the Zumeendars like any other individuals, are competent to apprehend persons in the actual commission of public crimes.—*C. O. No.* 80 *of vol.* I, 17*th January* 1811.

Any individuals may apprehend persons in the actual commission of crimes.

Mode in which Zumeendars should be treated by the Magistrates.

2188. Much of the reluctance felt by proprietors and managers of estates to give their ready and active assistance in matters of Police, is not unfrequently to be ascribed to an injudicious and intemperate use of the authority vested in the Magistrates to enforce certain Police duties from the Zumeendars. The discharge of those duties by the proprietors and managers of estates, or their agents, is undoubtedly essential to an efficient Police, but a harassing vexatious, and indiscriminate interposition of the Magistrate's authority in cases of trifling importance, is not calculated to secure their useful co-operation. If the proprietors of estates are compelled to attend at the Magistrate's Cutcherry, to answer for every petty inattention or supposed irregularity in the discharge of the duties entrusted to them, they will naturally be led to avoid residing on their estates, and to thwart rather than forward the views of the Magistrates. The powers vested in the Magistrates are abundantly sufficient to enable them to visit with severity any frequent disregard or violent breach of the Police duties entrusted to Zumeendars; but their willing, and cordial, and really useful aid is to be obtained only by a temperate,

and conciliatory though firm exercise of those powers; by a liberal consideration of trivial errors and defects; by an uniform acknowledgement of useful services, and by the willing distribution of praise and reward when merited.—*C. O. No.* 241, *of vol* 1, 10*th Nov.* 1820.

Rules for the procedure of Magistrate on receiving report of a Zumeendar's neglect of Police duties.

2189. On receiving a report of allegod neglect of Police duties on the part of any landholder, the Magistrate is not to require his personal attendance at the court, before calling upon him to furnish, within a week or ten days, a written explanation of the charge brought against him. Should the explanation be unsatisfactory or should none be afforded within the time, the Magistrate is to require him to appear on an appointed day, in person or by mokhtar, to answer the charge. On his obeying the summons he is to be careful to enter immediately upon the enquiry, avoiding all delay by summoning the witnesses in support of the charge to appear on the appointed day, and by directing the accused to produce at the same time any witnesses whose evidence he may desire to offer in his own defence. The offence being one of a bailable nature, the accused or his agent should not be placed in custody, when required to attend the investigation into the charges.—*C. O.* No. 52, *of vol* 3, *L. P.* 12*th June*, 1840. *W. P.* 31*st July*, 1840.

Where the Magistrate did not follow this course, his orders were reversed by the court.—*Rept. L. P.* 1853, *Part* 1, *Page* 732.

Example of the injudicious summoning of a Zumeendar to give evidence.

2190. A Zumeendar having exerted himself in securing the parties suspected of a murder, and in sending information to the Police, the court considered the Magistrate to have acted injudiciously in compelling his attendance as a witness, since his evidence under the circumstances of the case was superfluous "Magistrates," observed one of the Judges, "often complain, and with justice, of the want of a disposition in the Zumeendars to second their exertions, but nothing is so likely to slacken the zeal of that class of men, as the apprehension that they may have to give evidence as a necessary consequence of any successful effort on their part in aid of the Police."—*N. A. R. vol.* 5, *Page* 9.

2191. Peons entrusted with *purwanahs* addressed to land-holders or their Officers, for assistance to be rendered to the Police on emergencies, or for other purposes, are not to exact *tulubana* from the parties.—*C. O. No.* 38 *of vol.* 3, 1*st Nov.* 1839. *L. P.*

Zumeendars &c. are prohibited from taking cognizance of or interfering in matters coming within the jurisdiction of the Courts.

2192. Zumeendars, independent talookdars, and other actual proprietors of land, dependent talookdars, farmers of land-holding farms immediately of Government, and all persons farming lands of the above mentioned description of land-holders and farmers of land, and their respective Officers, agents, servants, dependents, and ryots are prohibited from taking cognizance of, or interferring in, matters or causes coming within the jurisdiction of the Courts of Civil Judicature, or the Sessions Courts or the Magistrates, under pain of being liable to the payment, of such fine to Government, and damages to the party injured, as the court of judicature in which they are prosecuted for the act deems it proper to impose and award.—*Beng. Reg. VIII.* 1793, *sec.* 66.

2193. There is no regulation which authorizes a Magistrate to compel a Zumeendar or other land-holder to repair the public roads passing through his village or estates.—*Const. No.* 1072.

2194. A Magistrate is not authorized to call upon a Zumeendar to provide a building for the residence of such Police Officers as are stationed upon his estate under section 8 Reg. XVII 1817 (*i. e.* out posts.)—*Const. No.* 1247.

Zumindars can not be prohibited from establishing *hauts* in their estates.

2195. Zumeendars and other proprietors of land have a right to establish *hauts* or fairs on their own lands, and to hold them on any day that they think proper; and it is not competent to the Magistrates to prohibit the establishment of a *haut* or fair, or to fix the day on which it may be held, on the plea of its interferring with the right of a neighbouring *haut-holder*, or on any other ground.—*C. O. No.* 66 *of vol.* 2, 10*th Dec.* 1830.

Magistrates are to interfere in such cases only to prevent a breach of the peace.

2196. The above order refers only to new disputes regarding *hauts*, with which the Magistrate should not interfere unless it is necessary to prevent a breach of the peace; but it has been twice held that summary orders fixing the days on which *haut* was to be held, passed before the promulgamation of the above circular order, were to be considered in full force until set aside by regular civil suit.—*Const. No.* 639 *and* 937.

Choongee.

2197. Zumeendars cannot be prohibited from levying "choongee,"* a cess sanctioned by established custom, within the precincts of their estates.—*Con. No.* 973.

Land-holders &c., may attach in cases of illegal cultivation of poppy.

2198. Proprietors, farmers, tehseeldars, gomastahs, and other managers of land, shall be at liberty to attach any poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest Police or Abkaree Darogah, or Opium Gomastah, who shall thereupon proceed in conformity with the rules contained in the last preceeding section.—*Act* 13 1857, *sec.* 25.

CHAPTER V.

OF JAILS.

SECTION I.

OF THE OFFICE OF INSPECTOR OF JAILS.

Office instituted for what purpose.

2199. The following orders were issued on the institution of the appointment in the L. P.

The Office of Inspector of Jails in the lower provinces was instituted for the purpose of assisting, first, in introducing into all the Jails of the lower provinces a stricter system of classification, management and decipline; secondly, in checking all unnecessary expenditure for establishments, food, &c. and in rendering the labour of the convicts as productive and remunerative as possible; and thirdly, in employing to the best purpose whatever sums it may, from time to time be determined to expend, either in the construction of new prisons, or in the repair or alteration of old ones.

2. The first of these possesses a double importance. To the degree in which it may be attained, it will preserve those who are imprisoned for minor crimes from being corrupted by communication with more hardened offenders; and by subjecting all to strict restraint, will give the best chance of reformation. It will also have the desirable effect of rendering confinement more an object of dread by the uniform enforcement of labour and the prevention of disallowed indulgences; and it may thus enable the Government to diminish hereafter the General terms of imprisonment without impairing the efficiency of the punishment. In all points of view, therefore, both financial and political, whatever improvements the Inspector of jails may be able to bring about under this head will be of the greatest value.

Classification of prisoners.

3. Few of the existing jails possess facilities for the introduction even of an incomplete classification, or for the profitable employment of all the prisoners within their walls. The attainment of this latter object is considered the first step to a really sound discipline; as that of the former is to any hope of eventual reformation. As regards classification, it appears to the Government that at least seven separate wards should, if possible, be contrived in each criminal jail, in which the prisoners should be distributed as per margin. It will be incumbent on the Inspector to examine the existing accomodation in each case with a view to this object. He will also enquire, with reference to the extent of the space enclosed within the walls, the demand in the neighbourhood for particular articles, and in the circumstances what number of the prisoners can be employed with advantage within the interior of each jail. Even the present accomodation admits of a large majority of the prisoners in most jails being employed within the walls. The mode in which these are to be employed, the rules which are to be observed regarding them, and the effect of the stricter confinement both on their

1 Males under trial for felonious offences 2 Ditto under Ditto for misdemeanors (including affrays, assaults and the like) 3 Male prisoners sentenced to imprisonment with labour in irons for periods exceeding three years 4 Male prisoners sentenced to do for a period not exceeding three years 5 Male

* In Sir H. M. Elliots curious and interesting supplemental Glossary this word is explained to be:—Illegal abstraction of handfuls of market produce. It is frequently, however, given voluntarily as a sort of rent for the use of market conveniences, such as booths, sheds, &c; and in this sense is equivalent to the "*byituk*" of the Deccan and the English "*board Half-penny.*"

characters and on their bodily health, will also engage the Inspector's attention. As regards the prisoners also, who in some districts must still for the present continue to work on the roads or elsewhere outside the jail, he will strive to introduce such regulations as may appear to him most likely to check any gross abuse of the increased liberty necessarily afforded them.

prisons sentenced to imprisonment without labour, 6 Women under trial, 7 Women convicted N. B. Prisoners convicted, of perjury, forgery, or fraud to be classed with No. 5, unless a separate ward can be assigned to them, Prisoners for life may remain with No. 3, till they can withdrawn to separate Jails.

4. Under the same general head of management will fall the consideration of the manner in which each jail is cleansed, watched, and guarded; of the system pursued regarding the diet and for supplying the other wants of the prisoners; of the treatment of the sick; of the punishment of offences committed within the jail; together with such other points as may seem to the Inspector worthy of attention.

Cleanliness. of Jail. Diet. Treatment of sick Jail discipline.

5. The second general subject upon which Government wish to have the benefit of the Inspectors exertions, viz. that of regulating expenditure upon establishments, &c. and of increasing the returns from labour, requires little explanation. Having the accounts of all the jails in the provinces before him, it will not be difficult for him to observe where good management exists, and to enforce the same throughout the general system.

Regulation of expenditure.

6. As regards the third head, the repair, alteration, or removal of prisons, in the first instance the necessity of limiting his views of amelioration to the means which the Government possesses is impressed up on the Inspector. Undoubtedly one from of building or arrangement of area may be more advantageous than another, and this form should be adopted in all new constructions. But as regards existing jails, his Judgement and ingenuity will rather be exercised in making the best use of the present structures than in devising extensive changes, the expence of which the Government is not prepared to incur. If, however, he should any where see cause to think that an addition or alteration may be effected at a moderate cost, while it would add much to the security or accomodation of the prison, it will be his duty to propose it in communication with the Magistrate for the consideration of Government. His attention will be particularly directed to increasing, as far as possible, the security of the jails so as to obviate the great evil of desperate characters, who have been once apprehended being again let loose upon society.

Repair, alteration or removal of prisons.

7. The Session Judges and the Commissioners in the non-regulation provinces will be directed to send up through the Inspector's Office, all propositions for altering, enlarging, and repairing prisons which they may receive from the Magistrates, in order that he may have an opportunity of expressing his opinion on the plan in its first stage. Such propositions should, however, in practicable cases, be concluded before hand by the Inspector and the local authorities, during his periodical visits to each station. No application for works of the above nature will hereafter be made to the Department of Public Works, without being previously submitted to the Inspector.

Propositions of local authorities for alterations, &c. to be sent through Inspector.

8. There are some jails regarding the utter insecurity or inadequacy of which representations have frequently been made to the Government. These will be hereafter brought specially to the Inspector's notice, and he will be desired to report separately upon their real state, and the best mode of correcting their deficiencies.

Insecure Jails.

9. It will be necessary for the due discharge of the duties thus entrusted to the Inspector that he should visit each jail at least once in the course of the year, and most of them twice. But this will be required of him at present in respect only of the jails in the regulation provinces, the three Northern Districts of the south western frontier Agency, Darjeeling, Cachar, and the Cossyah Hills. Arrange-

Yearly visit to each Jail.

ments may hereafter be made for the express personal inspection of the jails in the other non-regulation districts where it is at present held by the commissioners. The Magistrates and Session Judges, and the authorities in the non-regulation districts, will be directed to afford the Inspector every information on the subjects connected with his appointment, and to pay the greatest attention to his recommendation; and it is confidently expected that he will be able to act in concert with them when introducing his intended reforms.

Visits to Jails to be made once in two years.

10. After the Inspector has made one visit to each of the jails under his control, it is sufficient that his subsequent visits should be made once in two years, though it is of course optional to him to increase the number of his visits at his discretion.—*C. O. Govt. Bengal, No.* 49, *May 5th*, 1857.

English correspondence regarding Jails in all Offices to be kept distinct.

11. In order to facilitate his inquiries it will be well that all English correspondence in the offices of the Session Judges, Magistrates, or Assistant Commissioners, connected with the jails, should be kept in separate books, which together with all official documents relating to the same subject, will be at all times open to his inspection. A book should also be kept in each jail in the English and Native languages, in which all orders which may be passed by any competent authority relative to prison management should be entered. This may be termed the "order book of the prison." It will show him whatever changes may have been introduced since his last visit to the place.

Report.

12 As soon as practicable after the completion of his first round of visits, he will furnish the Government of Bengal, with a report upon each place of confinement, showing its present state and circumstances together with the improvements which he has introduced, or which he would recommend for adoption. His observations should be classed under the three general heads mentioned in the first paragraph of these instructions, sub-divided into as many sections as may be required. General remarks may be added as to the sanitary state of the jail, with the supposed cause of any extraordinary sickness; as to its capacity for containing the numbers usually confined in it; its comparative security for the detention of the more desparate classes of convicts; or the like. These reports will be as brief as practicable, and may be furnished separately for each commissioner's division. They will be repeated annually if his appointment remains in force, which will chiefly depend upon the advantages which may appear to result from it. The Government also expects from him a complete annual report of his operations, and the results thereof administrative and financial, the first report to be furnished as soon after the 1st May 1855, as possible.

What forms and statements should be required.

13. He will draw up and submit for the approbation of Government such forms and statements as he may judge it necessary to require from the Magistrates and other Officers in charge of Jails, in order to put him fully in possession, of the points which he is required to ascertain. These should be a few, as concise, and as little differing from existing forms, as is consistent with the object. It will also be well that he should drawn up a set of rules for the guidance of Magistrates on the more important parts of their duties connected with the Jails. He will submit these proposed rules to the Government, when he shall have had more experience of the points in the present system which specially require amendment. It is desirable that he should, at the same time, obtain and forward the opinions of some of the most intelligent and experienced Magistrates as to their adequacy and expediency. When approved, these rules will be circulated for the information of the criminal authorities.

Rules.

Sessions Judge has no longer any power of supervision over Jails.

The rule in para. 14 is rescinded. The duties of the Session Judges in connection with the Jails are limited to those of visitors. The Inspector is to exercise a full and sole control over all expenditure in the Jails, and the Sessions Judge has ceased to have the power of authorizing any charges on account of Jails.—*C. O. Govt. Bengal No.* 49, *May 5th*, 1857.

Inspectors records to be reduced as much as possible.

15. The Ho'nble the Deputy Governor regards it as a matter of serious importance that he should encumber himself as little as possible with records, and engage as sparingly as may be in official correspondence. In all ordinary cases, a reference made by a sessions Judge through him to the Government can be passed on, with a brief remark endorsed on it, and the orders of Government can be passed on it in like manner, a brief memorandum of their date and purport being noted in a Book. So all ordinary letters addressed to him can be returned with his order, or reply, briefly endorsed on them; and many other ways will occur to him of shortening the usual official forms, and reducing

the bulk of his records to a minimum It will be impossible for him to carry on the duties of Inspection efficiently, if his movements are impeded by the necessity of having to carry about with him a quantity of official papers He should aim at the collection and condensation of all needful information in books of convenient size, so as to be able to dispense as quickly as possible with loose and bulky documents.

16. The Inspector is authorized to sanction any item of expenditure for an object of permanent utility, on the adequate advantage of which he and the local authorities may be agreed, to an amount not exceeding 500 Rupees. The Magistrate will charge the amount in an extra contingent Bill, which will be passed upon the Inspector's counter signature He is also authorized to raise the amount of monthly expenditure now allowed for jail manufactures in any jail in which a larger expenditure may seem to be required Whenever he may exercise the power thus entrusted to him, a full explanation of the circumstances will be expected in his subsequent report.

Power to sanction expenditure.

The rule in paragraph 16 is modified. The Inspector is to exercise a full and sole control over all expenditure in the Jails. The Magistrate's monthly contingent bills for jail expenses of every description are to be submitted for the sanction of the Inspector, who is authorized to sanction any item of expenditure (except those for which the sanction of the Supreme Government is requisite) to an amount not exceeding 500 rupees. It rests with the Inspector to regulate the amounts of those petty charges, which the Magistrates are authorized to incur without reference to any superior authority, by such restrictions as it may seem to him necessary to impose —*C O. Govt Bengal No 49, May 5th* 1857.

Inspector has entire control over Jail expenditure

17. The Inspector will keep a brief diary of his proceedings, and forward it weekly for the information of Government.—*Orders of Government Bengal, No.* 2344, *Dec* 31*st* 1853.

Diary of proceedings.

2200 The Inspector of jails L P was directed to inspect personally the jails in Assam, Arracan, and the two Southern districts of the Chota Nagpore Agency, and to exercise the same Superintendence and control over those jails, as he does over the other prisons in the lower provinces.—*Govt Bengal No.* 641, *March 4th* 1856.

Control of Inspector extended to Assam, Arracan, and South Eastern frontier Agency.

2201. Police Officers are to render the Inspector of jails at all times any assistance, that he may require, to facilitate his progress, whenever the course of his public duty may take him into the district.—*C O. Govt Bengal, No.* 33, *March* 10*th* 1856.

Police Officers to assist his progress

SECTION. II.

OF THE JAIL AND JAIL DISCIPLINE.

2202. All Magistrates are to submit an annual return of prisoners according to the subjoined form, on the 15th of January in each year, showing the sentences of all prisoners in confinement on the last day of the previous year, as required by the Hon'ble the Court of Directors in their despatch, dated 23rd October 1844, No. 14.—

Form of annual return of prisoners in custody on the 31st December of each year

Statement showing the sentences of all prisoners confined in the Jail on the 31st December 186 .

1	2	3	4	5	6	7	8
Number of prisoners sentenced to							
One year and under.	Two years and above one year.	Three years and above 2 years.	Five years and above 3 years.	Ten years and above 5 years.	Twenty one years and above ten years.	More than 21 years and not for life.	Number of life prisoners.

A. B.

Magistrate.

C. O. Inspr. of Prisons, W. P. No. 54 *of* 1854.

Jail returns to be sent to Inspector

Printed forms to be supplied by him.

2203. All the periodical Jail returns and statements are to be submitted direct to the Inspector, who is authorized to introduce such modifications of the forms as may tend to simplicity and economy. Officers in charge of Jails are strictly prohibited from using any printed or lithographed forms of statements, except those which they may obtain on indent through the Inspector's Office.—*C. O. Govt. Bengal No.* 49, *May 5th* 1857.

Monthly Statement to be forwarded by Inspectors to Government

2204. The Inspector is to submit for the information of Government a single monthly statement epitomizing the contents of the monthly statements submitted to him by the Officers in charge of Jails.—*Ibid.*

"Jail statement" to be superscribed on covers of Statements.

2205. When periodical returns and statements relating to prisoners in the Jail are forwarded to Government, the words "Jail statement" are to be superscribed on the outside of the cover.—*C. O. Govt. Bengal, No.* 3630, *Nov.* 30*th* 1855.

System of Jail discipline

2206. It is competent to the Governor General, by an order in council, to issue such orders as he may, from time to time, deem necessary, for the introduction of a system of discipline into the Jails, calculated both to reform the convicts, and to render their imprisonment efficacious as an example to deter others from the commission of crime.—*Reg. II.* 1834, *sec.* 7.

Control of Jails vested in Magistrates and Session Judges under the orders of the Local Government.

2207. So much of the provisions of any Regulation, or Act, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police, and the Sudder Nizamut Adawlut, with control and Superintendence over Jails, the prisoners confined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners, is repealed. The whole of such control and Superintendence is vested in the Magistrates and Joint Magistrates acting under the instructions of the Session Judges; and the Magistrates, Joint Magistrates, and Judges, are to be guided in regard to all matters relating to the Jails under their charge, the prisoners con-

fined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners by such orders as they may receive from the local Government.—*Act XVIII.* 1844.

2208. Agreeably to the orders of the Lieut. Governor N. W. P. No. 202 A. dated 29th January 1862 and No. 552 A, dated 3rd March 1862, the jails in the undermentioned districts were placed in charge of the Civil Assistant Surgeons of those districts respectively, who have been invested with the powers of a Magistrate under Section 23, Act XXV. of 1861, to be exercised within the precincts of the jalis under their respective charges.

Meerut Division.
Dehrah.
Seharunpore.
Boolundshehur.
Allygurh.
Moozuffernugger.

Agra Division.
Muttra.
Etawah.
Futtehgurh

Rohilcund Division.
Bijnour.
Moradabad.
Budaon.
Shajehanpore.

Allahabad Division.
Cawnpore.
Bandah.

Benares Division.
Mirzapore.
Ghazeepore.
Jounpore.
Azeemgurh.

Goruckpore Division.
Goruckpore.

Jhansie Division.
Jhansie.
Lullutpore.
Orai.

Nizamut Adalut not to be addressed regarding Jail matters.

2209. As the Nizamut Adawlut has been relieved by the above Act from the duty of supervising the management of jails and all matters therewith connected, the criminal authorities are to address themselves direct to Government on all matters indicated in that Act, and are to be guided by such instructions as they receive from Government.—*C. O. No.* 180 *of vol.* 3, 29*th Sept.* 1844, *L. P. No.* 191, 20*th January* 1845 *W.* P.

Officer in charge is solely responsible; and is to forward reports.

2210. The Magistrates, joint Magistrates, or other Officers in direct charge of jails, are to be held solely responsible for the management of the same to Government. The Officers in question are to forward the monthly statements of prisoners, and the half yearly and annual reports, through the session judges to Government, receiving through the session judges from Government all orders regarding the internal economy of jails, their discipline, establishments, employment of convict labor, and every thing connected with their general management.—*C. O. Govt. Bengal, No.* 1072, *October* 10*th*, 1844.

Alipore Jail

2211. The duty of inspecting and supervising the Alipore jail, which by sections 11 and 12 Reg. XIV. 1816 is vested in the Nizamut Adawlut, is now transferred to the judge of the 24 Pergunnahs, whose duties in regard to the said jail are the same as those prescribed for session judges generally, as above.—*C. O. Govt. Bengal, No.* 1072, *October* 10*th*, 1844, *para.* 10.

Superintendent of Police cannot interfere

2212. A Commissioner of Circuit is not authorized, either as judge of circuit or as superintendent of Police, to issue orders direct to jail officers regarding the management of the jails. But under certain very urgent circumstances in the absence of the Magistrate it was held that the Commissioner of Circuit who was also superintendent of Police, was justified in directly interfering with the management of a criminal jail.—*Const. No.* 746 *&* 909.

Magistrate to visit the Jail weekly

2213. The Magistrates are required to visit their jails weekly and such visits are to be made without previous notice to the officers of the jail, and not at any fixed period of time.—*Jail rules sec.* 9, *paras.* 2 *and* 3.*

And judge monthly.

2214. The session judge is to visit the jails monthly, to enquire into their condition and that of their inmates; and to submit to Government, when forwarding the periodical statements of the Magistrates, or immediately in urgent cases, their own remarks on the condition of the jail for such orders,

* The jail rules are quoted from the compilation printed at the Baptist Mission Press in 1828.

either in regard to individual cases, or the general conduct of the jail duties, as appear to be required. —*O. O. Govt. Bengal No.* 1072, *Oct.* 10*th*, 1844.

Duty of Session Judges to visit Jail and to bring any matter to the notice of the Inspector.

2215. The duties of the session judges in connection with the jails are limited to those of visitors. They are required to visit the jail not less seldom than once a month. They are to receive any petitions presented to them by the prisoners, disposing of petitions against Judicial sentences, but forwarding all others which refer to jail arrangements to the Inspector. The judge is to note in the "order book of the prison" the date of each visit, and nothing more. He is to have access to all jail records; and, if he thinks it necessary to bring any matter to the notice of the Inspector, he is to prepare a report, and after forwarding a copy of it to the Magistrate for any explanation that officer may desire to offer, he is to submit it with the Magistrate's explanation for the information and orders of the Inspector.—*O. O. Govt. Bengal. No.* 49, *May* 5*th*, 1857.

How far a Judge may interfere in a case of emergency.

2216. In cases of emergency, if the Inspector is not at the station, the judge is authorized to interfere with the orders of a Magistrate in jail management; but an immediate report of such interference must be submitted for the information of the Inspector and of Government.—*O. O. Govt. Bengal No.* 49, *May* 5*th*, 1857.

Jail records and Visiting Books.

2217. Jail records and correspondence are to be kept strictly in the manner prescribed in para 11 of the order appointing the Inspector of Jails.

The Visiting Book is to be ruled longitudinally in triple columns, containing 1, date of Visit; 2, Remarks of Visitors; 3, orders of Magistrates. All orders are to be translated, entered in the order Book, and signed by the Jail Darogah in proof of their having been seen.—*O. O. Insp. Jails L. P. No.* 39, *Feby.* 27*th*, 1856.

Judge may take armed men into the Jail.

2218. The rule precluding the admission of armed men into the Jail is not intended to apply to persons whom the Session Judge takes with him on his visits to the Jail.—*O. O. No.* 229, 14*th Jan.* 1820.

Certain Rules to be prescribed by Magistrate.

2219. The Magistrate is to prescribe a set of written rules for the internal economy of his jail,*

* In the first place I would mention the plan, which I have adopted, of ticketing the prisoners. Every prisoner is supplied, on his entering the jail, with a wooden ticket, which bears the same number as the warrant (*perwana*) under which he is sentenced: should two or more prisoners be included in one *perwana*, each of them bears the same number, with the addition of 1, 2, or 3, as his name may stand in the *perwanna*. His blanket and coat are stamped also with the same number. This not only prevents the thefts and the disputes regarding clothing which used to occur, but induces the convict to preserve it with greater care. This system also facilitates the exact registration of all the prisoners, and the register affords immediate information of their names, their crimes, the date of their sentence and its expiration, and the authority by which the sentence has been passed. Whereas, previously, if the jail darogah had been asked the name, or crime, or sentence of any convict, he would have acknowledged his ignorance, and then proceeded to seek for the required information through his books; and would probably have found a convict of the same name, but the son of another person under another sentence; and after pursuing his search through more pages, the required name would at length have been discovered, and the information given; now, under the ticket system, you ask the man his number, and looking down the margin of the register you immediately discover all the information required. The prisoners are turned out of their sleeping wards at day light, and five convicts are allotted to the charge of each Burkundaz. As he leaves the jail, the darogah delivers to him a paper ticket, in which are detailed his own name, the names of the five convicts allotted to him, and the date of the month; and at the same time the jailor enters, under its particular heading, the nature of the duty on which they are to be employed. The nature of the labor of convicts working outside the jail differs every day, and the tickets also are changed every week, as well as the convicts allotted to each burkundaz. Thus are prevented the fulfilment of any previous arrangements between convicts and their friends to meet at particular spots, and the power of selecting particular duties of an easy nature; and a system of more equal distribution among all the convicts of hard and easy labor is in operation, than obtained when the convicts and their burkundazes could arrange among themselves to proceed to chosen employments. These tickets are re-delivered to the darogah on the return of the burkendaz and his assigned convicts in the evening. At the end of

relating to the articles which may be admitted into the jail for the prisoners, the hours when those articles may be admitted, and the persons who may be permitted to converse with the prisoners; and the jailor and his deputy, as well as the commanding officer of the jail guard, are to be held responsible for the due observance of such rules, or for the immediate report of any breach of them to the Magistrate.—*Jail Rules sec.* 9, *para.* 4.

Rules prescribed by Magistrate to be translated and hung up in the jail.

2220. All orders and regulations relating to the interior economy of the jails, the duties of the jailor, his officers, and the military guard, are to be translated into the native languages, and copies made of the same, and hung up on a board, in a conspicuous part of the jail, in the jailor's apartment, and in the guard-room, for general information.—*Jail rules, sec.* 9, *para.* 30.

New Rules should be framed so as to avoid any color of injury to caste.

2221. In the adoption of new rules of administration, even in regard to jail discipline, the authorities should strictly abstain from all measures that would give even a remotely colorable pretext for the entertainment of the belief, that the British Government have any intention to destroy the caste of natives by any devices.—*C. O. Govt. Bengal No* 11, 1858.

Jailor not to delegate his duties without order.

2222. In the absence of the jailor, the Magistrate may authorize his naib to perform the duties of that officer; but without the authority of the Magistrate the jailor is not to delegate his personal duties to his naib, or to any other person.—*Jail Rules sec.* 9, *para.* 17.

Weekly Inspection of prisoners by the jailor and Native Doctor.

2223. On Sunday morning the burkundazes will all attend as usual, and be mustered, when the darogah will examine every prisoner, and certify in a book to the following points:—1, that the irons of every prisoner are secure and clean; if not that they have been made so; 2, that every working prisoner in irons has a pair of leather gaitors; 3, that he has his numerical ticket; 4, and his authorized quota of working utencils, clothing, and bedding; and that they are clean and in good order; 5, that his head and face have been shaved. The native doctor is to report that he has examined every prisoner, and has withdrawn every one sick, weak, or wounded with irons, or affected with scurvy, for the purpose of admission into hospital, or placed them in the infirm gang, as the Civil Surgeon may deem expedient. A list

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the week the orginal tickets are brought for my signature, which gives me an immediate opportunity of observing by a glance at their contents, if any favoritism has been shewn in the disbribution of labor convicts sentenced to hard labor are thus distributed to their several duties. Previous, however, to leaving the jail, each convict neatly folds up his blanket (this may appear a small matter to mention, but it, has been adopted as a measure of economy to obviate the wear and tear of the convicts blanket, which obtained when his lota, thalee, and other properties were tied up by the four corners as well as to prevent the concealment of unauthorized acquisitions) and puts it into a recess fixed in a shed erected for this purpose. This shed is lined with racks, on which are marked numbers from 1 to the corresponding number of prisoners in jail, each recess of the rack being supplied with a wooden ticket corresponding with the number stamped upon the recess. On placing his property in one of these recesses, each convict receives the ticket of that recess in lieu, and proceeds to labor On his return from labor, he presents that ticket to an officer appointed to the duty, and receives back his own property in the condition in which he left it in the morning. Prisoners without labor are thus far treated, with the exception of assignment to any particular *burkundaz*, in the same manner. When I arrived here, they were in the habit of proceeding, on the recommendation of the Civil Surgeon to take exercise in one of the alleys, between the inner and outer walls of the jail, but without order and in noisy conversation. I adopted the plan of marching them out of their ward, and making them take the same quantity of exercise, namely, for two hours in the morning, and one hour in the evening, in single file, and strict silence. The female convicts have been a subject of some trouble and anxiety. When I joined the district they underwent little labor and had much freedom; they wore jewels and what clothes they pleased; and were shut up in their wards neither day nor night. One had a parrot, another a shama! but with the assistance of silence and solitary confinement, as the punishment of misconduct, and the adoption of a colored costume, I have subdued in some degree a system of insubordination; and with the exception of stealing attah, which they are constantly discovered in concealing about every part of their persons, I have few offences among them which require punishment. Extract from Report of Mr. T. P. Woodcock Magistrate of Allahabad, circulated by the Bengal Govt. March, 1st 1845.

of prisoners who have transgressed the rules, or have been so removed by the native doctor, is to be presented on Monday morning to the Magistrate and Civil Surgeon for orders—*C. O. Insp. Prisons W. P. No. 5, July 1st, 1847.*

Daily reports to be furnished by Jailor and native doctor.

2224. The jailor and native doctor are to furnish the Magistrate on the opening of the Court with daily reports in English (filled up by an English writer from similar statements kept in the vernacular by those officers) of the prisoners in jail and in the hospital in annexed forms (*a* and *b*,) with any modifications that may be suggested by experience.—*C. O. No. 134 of vol, 1, 30th June 1814.*

(*a*) Daily report of prisoners in the jail of Zillah, for the month of

NIZAMUT ADAWLUT.				SESSION'S COURT.				MAGISTRATE.						
Date.	Perpetual imprisonment	Ditto temporary.	Security required.	Referred.	Temporary imprisonment.	Security required.	Mad.	Postponed.	Temporary imprisonment.	Security required.	Mad.	Committed.	To be tried.	Dewany prisoners.	Total.

(*b*) Daily hospital report for the month of

Date	Patients broughtin.	Total.	Died.	Discharged.	Remaining.

Orders for receiving and discharging prisoners

2225. All orders for receiving prisoners into the jail, and for their final discharge, are to be signed by the Magistrate or his assistant, and addressed to the jailor.—*Jail rules. sec. 9, para. 6.*

Prisoners to be counted periodically

2226. The prisoners, on their being lodged in the wards in the evening, and on their being taken out in the morning, are to be counted over by the jailor or his Deputy.—*Jail rules, sec. 9 para 7.*

Tools to be collected at night and search to be made for weapons.

2227. At the time of locking up the prisoners, the working tools used by them are to be carefully collected and counted, and then deposited during the night in a place of safety without the jail. Sufficient search is also to be made, to prevent the concealment of any weapon or implement about the persons of the prisoners or in the jail, whereby the prisoners might injure one another, or be enabled to effect their escape.—*Jail rules, sec. 9, para. 8.*

Jailor to visit every part of the Jail morning and evening.

2228. The jailor every morning and evening, at the opening and shutting up of the jail, is to visit personally every part of the jail, and carefully to inspect the windows, walls, doors, and gratings, in order to discover any attempt to cut the iron bars, or to undermine the walls of the jail.—*Jail rules, sec. 9, para. 9.*

Keys of the wards.

2229. After the prisoners are locked up for the night, the keys of the wards are to be loged with the Jailor, if present, or if absent, with his deputy.—*Jail rules sec. 9, para. 16.*

2230. In Jails with a chapper roof if a light is necessary, it sholud be placed under the immediate inspection of the sentry, and Masigtrates should use all practicable precautions, consistent with the health and reasonable comforts of the prisoners under their charge, to prevent the occurence of fires.—*C. O. No.* 258 *of vol.* 1, *June* 28*th* 1822. Precautions against fire.

2231. The expensive item of oil for burning may be considerably reduced by growing the castor oil plants in the Jail garden, and expressing the oil with the native oil mill, which affords excellent labor for refractory convicts. Where there is no Jail garden, the seeds may be purchased in a cheap market, the cost and value of produce being charged in the manufacture accounts.—*C. O. Insp. Jails, L. P. No.* 76, *January* 20*th* 1858 *and No.* 88, *December* 23*rd* 1859. Oil plants to be grown and oil manufactured in Jail.

2232. The practice of chaining prisoners at night to a massive iron chain is both objectionable and unnecessary in regularly built Jails, and is to be discontinued in all such Jails.—*C. O. Govt. Bengal No.* 494 *Feb.* 26*th*, 1852. Practice of chaining prisoners to a fixed chain prohibited.

2233. The practice of keeping the batten doors and shutters of the wards closed at night is a cruel and useless precaution against escape, whenever the doors and windows are secured with iron grating; and it is therefore prohibited. The prisoners should always have the means of opening or closing the shutters at will, and the latter should be pierced with open work in the upper planking, so as to admit fresh air into the wards, when the shutters are closed, during cold or rainy weather.—*C. O. Govt. Bengal No.* 556 *February* 25*th*, 1846. Ventilation of wards at night.

2234. As soon as the prisoners leave their beds, all doors, windows, and every aperture through which air enters, should be thrown wide open, the bedding and blankets should be taken out and aired in the yards attached to the wards, and the rooms should be well and thoroughly swept, so as to remove every particle of dust. When this is done, and it need not occupy more than half an hour, the bedding should be folded up, and placed in the position occupied by the prisoner to whom it belongs.—*C. O. Insp. jails L. P. No.* 30 *December* 26*th*, 1855. Wards to be opened in the morning and the bedding taken out and aired.

2235. With a view to purify the atmosphere, wicker baskets, eight inches in diamater, and two inches in depth, filled with wood charcoal broken in small pieces, are to be placed in a corner of each ward. The charcoal requires to be occasionally renewed.—*Ibid.* Baskets of charcoal to be placed in a corner of each ward.

2236 As far as it is practicable, and consistent with safe custody, the close confinement of prisoners in their wards at night is to be restricted to those whose cases are under reference to the Court of Nizamut Adawlut; to convicts under sentence of perpetual imprisonment; and to other persons of notorious bad character. A discretion may further be exercised by the Magistrate, in the confinement of prisoners whose trials are under referrence to the Nizamut Adawlut, by exempting from the above restriction any prisoners whose close confinement may not appear necessary for their safe custody.—*C. O. No.* 205 *of vol.* 1, 16*th July* 1818. Certain Prisoners need not be confined to the wards at night.

2237. In all such cases the Magistrate is to adopt such precautions as are necessary for ensuring the primary object of the safe custody of the prisoners.—*C. O. No.* 145 *of vol.* 1, 1*st March* 1815. Precaution to be used in such cases.

2238. A question having arisen as to whether the Sepoys of Government emyloyed on duty at the Jails should be required to guard the prisoners when taken out to ease themselves, the Honorable the vice president in Council was pleased to determine, that the Sepoys of the regular battalions should be exempted from the duty above mentioned.—*C. O. No.* 69 *of vol I*, 17*th April* 1810. Military guards exempted from a certain duty.

2239. No buildings are to be erected within the walls or boundaries of a Jail, but such as are authorized by Government. No prisoner is to be allowed to possess, or have access to, any private dwelling in the vicinity of the Jail; nor are the families of any one of the prisoners to be permitted to erect dwellings nearer to the Jail than the Magistrate may judge proper.—*Jail rules sec.* 9 *para.* 18. No buildings to be erected within the Jail and prisoners not to be allowed the use of private dwellings.

2239½. The wives and other female connections of the prisoners are not to be permitted to enter the Jail.—*Jail Rules sec.* 9 *para.* 20.

2240. The following rules, for the guidance of all Officers in charge of Jails for the regulation of interviews between Prisoners and their friends, are promulgated with the sanction of the Hon'ble the Lieutenent Governor :— Rules for the regulation of interviews between prisoners and their friends.

I. No convicted Prisoner shall be permitted an interview except with the special sanction of the Officer in charge of the Jail, recorded in the Jail Order Book.

II. The permission will be unconditionally granted in the case of recently sentenced Prisoners, to enable them to execute a power of Attorney to appeal, or to provide for the management of their property.

III. One interview with their friends will be granted to prisoners sentenced to banishment or transportation, and to Prisoners under sentence of execution.

IV. A special exception may be made in favor of aged parents or near relations, who may have, in ignorance of the Rules, travelled a great distance to see a prisoner, and in the case of the serious illness of any Prisoner.

V. With these exceptions, the grant of an interview will be conditional on passing one of the prescribed examinations in the different grades of elementary education afforded to convicts, on which occasions, provided the conduct of the prisoner has been generally good, a certificate will be transmitted to any friends the prisoner may desire to see entitling them to an interview on presentation within three months.

VI. A similar indulgence will be granted to any Prisoner, who may have passed all the examiantions after the lapse of a year from the last interview as a reward for continued good conduct.

VII. The indulgeuce may be granted after a year from the date of confinement or from that of the last interview to any Prisoner of steady and good conduct, who, from age or other impediment, may be thought deserving of it, without requiring him to pass an examination.

VIII. Interviews between convicts and their friends will take place in the presence of one of the superior Prison Officers in such place as may be fixed on in each Jail for this purpose; and will be generally limited to half an hour.

IX. This Officer will be responsible for seeing that no money or article of food, or clothing, of any sort or kind is conveyed to the prisoner.

X. Should the friend of any Prisoner, whether entitled to any interview or not, bring money for him, or clothes for him to wear on his release, such may be, on presentation of an application on plain paper, deposited and entered in the Prisoner's property book to be given to him on his discharge, and, if necessary, on the Prisoner's application, the money may at any time be used to supply him with eating or drinking vessel or shoes &c, which by the Jail rules, he is allowed to have Articles of this kind may also, when brought by the friends of Prisoners, be delivered into the Jail Office, to be made over to a Prisoner if he is not already provided with them, under the orders of the Officer in charge of the prison.

XI. Prisoners under trial and debtors will be allowed to see their friends, on their mere application for permission on the day fixed for such interviews, by the Officer in charge of the Jail.

XII. The friends of Civil Prisoners will be allowed to supply them with bedding, clothing, cooking, eating and drinking vessels, books and such things: care will be taken to prevent the introduction of money, or of any intoxicating drugs.—*Order Govt. W. P. 23rd March* 1857.

Admission of missionaries into Jails.

2241. The admission of a missionary to a jail for the purpose of preaching is not to be permitted, unless when a prisoner makes a request for the presence of one.—*Order of Government in C. O. Insp. jails L. P. No.* 660 *May 28th*, 1859 *and C. O. Govt. N. W. P. No.* 23, 11*th June* 1859.

Rules for the disposal of the children of convict mothers.

2242. Rule 1. In all cases of female convicts who may, at the time of their conviction, have children at the breast, or to whom children may be borne whilst in confinement, such children need not be separated from their mothers until they have attained the full age of two years. When a child arrives at two years of age, it must, at once, be removed from the jail. Rule 2. No child which has attained the age of two years at the time of conviction of the mother, is on any consideration, to be permitted to become an inmate of the jail. Rule 3. In all the cases above mentioned, the Magistrate must cause diligent enquiry to be instituted regarding the relatives and near connections of the convicts, in order that the children may be made over to them during the incarceration of the mother. Rule 4. Should the relations of the children be entirely destitute, and unable to support them, or should the Magistrate fail to

discover any persons sufficiently near of kin to take charge of them, he will select trustworthy persons to whom he will consign them, and see that they are broughtup to habits of industry and labour.—*C. O. Inspector Jails L. P. No.* 53 *October* 2*nd* 1856.

2243 No prisoner is to be allowed to keep a shop in the jail or its vicinity.—*Jail rules sec.* 9, *para.* 19. Prisoners not to keep shops.

2244. The moodees who supply the convicts with food are to execute an engagement, binding themselves to the performance of such conditions, as the Magistrate may consider proper, to prevent frauds and abuses. A copy of this engagement is to be fixed up in the guard rooms, and in a conspicuous part of the jail ; and the jailor is to see that these conditions are punctually fulfilled, or report to the Magistrate any departure from them. The scales, weights, and measure used for articles supplied to the prisoners, are to be regularly inspected by the Magistrate, at least once in every quarter, and as much oftener as he may judge proper.—*Jail rules sec.* 9 *para.* 21. Engagements to be made with moodies. Magistrate to examine weights.

2235. A sufficient guard is to be stationed with the moodees at the time of their supplying articles for the prisoners, for the protection of their property.—*Jail rules sec.* 9 *para.* 22. Guard for moodies.

2246. Intoxicating liquors and drugs are expressly prohibited by the Circular Orders of the Nizamut Adawlut, underdate the 23rd of April 1805, from being admitted into the Jail, and the Officers of the jail are to be careful to enforce a strict observance of this prohibition.—*Jail Rules sec.* 9 *para.* 23. Intoxicating liquors prohibited.

2247. The prisoners are not to be permitted to give any money, or to give, sell, or exchange any property whatever to any person attached to the Jail, or any public Officer of whatever denomination.—*Jail rules sec.* 9 *para.* 24. Sale and barter &c. prohibited.

2248. In all cases of suicide among the prisoners in the Jail, an inquest is to be held on the body, and an enquiry made into the circumstances of the case, with the view of ascertaining what cause may have led to the commission of the act ; and the result of such enquiry is to be regularly reported to the Inspector.—*C. O. No.* 157 *of vol.* 1, 7*th Doc.* 1815. Prisoners committing suicide.

2249. A Register is to be kept of the wards of the Jail, in the form annexed, showing the Cubic Contents of each, and the number of prisoners daily under confinement. It must be carefully kept up, and should be inspected daily by the Magistrate. Register of Wards.

LOCK UP REGISTER.

	Class of Prisoners.	Civil and Criminal Jail.												Cells.			Hospital			Total.					
		Prisoners with labor and irons.	Ditto ditto.	Ditto ditto.	Ditto ditto.	Prisoners under examination.	Civil and Revenue Prisoners.	Prisoners without labor.	Female Prisoners.	Prisoners for life.	Ditto ditto						Male		Female.	Within the walls of the Jail.	In out gangs.	In Nazir's guard.	Total under confinement.	No. of prisoners secured in stocks and chains at night.
	No. of Wards.	1	2	3	4	5	6	7	8	9	10	11	12				13	14	15					
	Cubic Capacity.																							
	Capable of containing.																							
Date	Containing each night.																							
1																								
2																								
3																								
4																								
5																								
6																								
7																								

C. O. Insp. W. P. No. 5, 1*st July* 1847.

OVER CROWDED JAIL.
Magistrates how to proceed in such case.

2250. The Magistrate is authorized and enjoined, whenever the number of prisoners is greater than can be conveniently accommodated in the proper jail, to hire without previous application to Government any suitable buildings which may be procurable ; or to accommodate a portion of the prisoners in tents or boats, or to incur such expence as may be necessary to provide in any other manner for the temporary shelter and safe custody of the prisoners. On such occasions, the Magistrate is forthwith to report the arrangements he adopts for the information of Government, explaining at the same time the cause of any sudden augmentation in the number of prisoners which has rendered such temporary arrangement necessary.—*C. O. No.* 285 *of vol.* 1 *March* 19*th*, 1824.

Responsibility of Magistrate in such case.

2251. Serious consequences have, in some instances, been experienced from a want of proper attention, on the part of the Magistrate, of the crowded state of the Jails. A Magistrate cannot be justified in crowding together a greater number of prisoners than the place of confinement will conveniently hold. His duty, in regard to prisoners in his charge, is to detain them in custody according to law ; and every pain he inflicts on those persons, beyond that which is required by law, is illegal punishment —*C. O. No.* 114 *of vol* 1, *June* 25*th and No.* 165 *of vol* 1, *June* 12*th* 1816 *and No.* 68 *of vol.* 2, 17*th Dec.* 1830.

450 cubic feet to be allowed for each prisoner.

2252. The importance if not over crowding the jail cannot be exaggerated. Not less than 450 cubic feet of air should be allowed to each prisoner.—*C. O. Inspector jails L. P. No.* 80, *December* 20*th* 1858.

Inspector may authorize construction of kutcha buildings.

2253. In such case the Inspector is at liberty to authorize the construction of Kutcha buildings for the custody of the surpuls prisoners ; but those only, whose terms of imprisonment do not exceed six months, should be confined in such temporary buildings. A report is to be made to Government on every such occasion.—*C. O. No.* 74 *of vol.* 3, 11*th December* 1840 *W. P.*

OUTLYING GANGS.
Rules for the use of *pals* by, and precautions against fire.

2254. All prisoners removed from jail for the purpose of being employed upon any public work at a distance, which renders their return to the jail at night impracticable, are to be provided with tents or *pals* made of *tat puttee*, unless a building of less inflamable materials can be procured. The number of prisoners in each *pal* is never to exceed 20. The size of the *pals* should not be less than 20 feet by 12. The *pals* are invariably to be pitched parallel to each other at a distance of not less than 4 yards apart, and not in a continuous line. The belchain, which is passed through the rings of the prisoners, fetters, must be of sufficient length to admit of its being continued beyond the *pal* at each end, so that the padlock, by which it is secured, may be accessible to the guard even though the tent should be on fire. The ridgepole should be supported upon two poles inclined to each other, in lieu of a single upright pole, in order that the whole of the prisoners might leave the tent in a body, without being disconnected with each other, in case of fire. Every *pal* is to be provided with a lantern, which is on no account to be opened within the tent. The expense is to be defrayed by the local committees, and charged against the work on which the prisoners are employed.—*C. O. Inspector Prisons W. P. No.* 85, *April* 6*th* 1853.

Medical inspection of.

2255. Every outlying gang should be visited by the Civil Surgeon once a month, or by the Native Doctor once a week, or brought into the station for inspection on the last day of every month. No prisoner should be detained in the hospital of an outlying gang for more than 48 hours.—*C. O. Inspector prisons W. P. No.* 5 *July* 1*st* 1847.

Prisoners sleeping without the Jail how to be secured, precautions against fire.

2256. Every evening at sun set, the whole of the Convicts on the roads, without distinction are to be secured with a chain passed through the ring of their fetters, and fastened on the outside of the hut or tent with a padlock ; but more than 10, or at the utmost 20 convicts are not to be secured with the same chain. The chain is to be made light, and put through the fetters whilist the prisoners are standing, in such manner as not to prevent their moving together with facility on an alarm of fire. The hut or tent in which the prisoners are confined at night should also have a Convenient number of doors for their speedy removal in the event of fire ; and every precaution should be taken to prevent so serious an accident, especially by using lanterns to enclose any lamps that are kept burning or occasionally lighted during the night. The sentries at each relief are to examine the state of locks and chains, and ascertain that they are not filed or loosened.—*Jail rule sec.* 9, *para.* 33, *and* 34.—*C. O. No.* 183 *of vol.* 1, *April* 30*th* 1817.

CLASSIFICATION OF PRISONERS. How to be classed in Jail.

2257. Separate apartments in the jails are to be alloted for the following descriptions of prisoners. (a.)

Prisoners under sentence of death.

Prisoners sentenced to confinement by the Sessions Court or the Nizamut Adawlut (or by Magistrate for heinous offences.)

Prisoners committed to take their trial before the Sessions Court.

(a.) see 2199.

Prisoners sentenced to confinement by the Magistrate for petty crimes or misdemeanour cognizable by him (*i. e.* under the powers first conferred on Magistrates in this Regulation.)

And as the crimes proved or alleged against the second or third description of prisoners must be of different degrees of atrocity, the Magistrates are required to separate those found guilty or accused of heinous crimes from those convicted of or charged with crimes of less magnitude. They are like wise to separate the male from female prisoners, so as to prevent their having any communication with each other; and the rules for keeping apart the serval descriptions of the former are applicable also to the latter. The Magistrates are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities, being practised in the jail.—*Reg. IX* 1793 *sec.* 21.

And at work.

2258. A similar distinction should be observed in the employment on the public roads, or other public works of prisoners sentenced by the Magistrate and of those sentenced by the Courts of Session.—*C. O. No.* 45 *of vol.* 1, *April 4th* 1807.

No intercourse to be permitted.

2259. The different wards of the jail are to be appropriated, as far as may be practicable, to the particular descriptions of prisoners who are required to be kept separate under the above rules. The different classes of prisoners are on no account to be permitted any intercourse and the Magistrates are required to be particularly careful that persons in confinement for examination be never imprisoned in the same ward with prisoners under sentences of punishment.—*Jail rules sec.* 9 *para.* 15.

Security prisoners to be kept distinct from those convicted.

2260. All prisoners detained in custody for security only, more especially such as are not confined as notorious robbers, or on suspicion of robbery, are to be kept, as far as possible, distinct from prisoners convicted of specific offence.—*C. O. No.* 116 *of vol.* 1, *August* 21*st*, 1812.

Rules for classification in W. P.

2261. The object of calassification is to keep together, as much as possible, convicts who have been guilty of the more degrading and disgraceful crimes, as distinguished from those whose offences involve a less degree of moral turpitude, or imply no criminal habit, or deliberate indulgence of malignant passions. These two leading classes are to be again sub-divided to the extent attainable, first, into those whose term of imprisonment exceeds or falls short of a year, and secondly, into the separation of the Criminals according to the greater or less enormity of their crimes. The subjoined list points out the mode in which these principles may be applied wherever practicable.

Class I. *Sub-division I.* Dacoity; highway robbery; burglary; theft with violence or other aggravating circumstances; theft of children. *Sub.division* 2. Cattle theft: simple theft; receiving stolen goods, except where the parties are notoriously connected with robbers or theives, in which case they will be placed in *Sub-division* 1; bad livelihood. *Sub-division* 3. Forgery; perjury; breach of trust; rape; adultry. *Sub-division* 4. Malicious maming or injury; brutal or aggravated assults, as in the case of a husband ill treating his wife upon slight provocation.

Class II. *Sub-division* 5. Culpable homicide; affary with homicide: simple affray; aggravated; assault; and generally all grave offences against the peace or person arising out of some fancied point of honor or prompted by feelings of anger without premeditated malice, such as would require their being ranked with *Sub-division* 4. Classification is to be regulated on the principle shown in this list; but the Magistrate may modify it in special cases, as *e. g.* where persons of notorious bad character are confined for petty offences, and *vice versa*, recording reasons. Outlying gangs must consist of prisoners sentenced to short periods only, and each gang must be composed of prisoners permitted to associate under these rules. —*C. O. Inspector Prison W. P. No* 41 *February 4th* 1854.

Particular attention to be paid to these rules.

2262. The Magistrate must at all times pay particular attention to the important object of separating the prisoners, as directed above, and the Session Judge should see that it is observed.—*C. O. No.* 98, *of vol.* 1, *August* 22*nd* 1811.

CLEANLINESS Jail Building.

2263. The jail should be erected on a high and dry side, the floor to be well raised from the ground with flues underneath, to keep the wards dry; and the walls of the wards should be lofty. Ventilation is a point of such vital importance that every measure which can be adopted should be carried into effect, for, in proportion to the purity and airiness of the wards will be the health of the convicts. There should therefore be ventilators in the upper part of the wall, and spacious iron barred openings on the ground floor, with an unconfined area on the outside. The privies should be exterior to the walls of the wards; and corridor or passage should lead from the ward to the privy, with a wooden door at the entrance; and in the side walls of the privy, should be open spaces secured with strong iron bars. A quantity of lime should be daily allowed for their purification C. O. No. 145 of vol. 3, 9th October 1843 L. P. C. O. Govt. Bengal No. 1780 Sept. 24th, 1851 recommends the use of cook-room charcoal in cleaning jail privies and drains.

Privies.

2264. All Ordure is to be accumulated in moveable vessels, and is not to be allowed to fall in to any of the drains of the jail. They can be removed by hand in the morning, and should be carried to a sufficient distance from the jail, there to be buried in a fresh trench each day: Proper pans should be provided for urine, and prisoners should be interdicted from, and punished for, urinating upon the floor. Wherever it is possible, the doors of the wards should be left open at night, and vessels for the reception of filth should be placed in the most remote corners of the yards.—*C. O. Insp. Jails L. P. No.* 30, *December* 26*th* 1855.

Ashes instead of lime.

2265. The ashes of the cook-rooms should be substituted for lime as a disinfectant.—*C. O. Insp. jails. L. P. No.* 76, *January* 20*th* 1858.

Objects to be specially attended to, to keep jails healthy.

2266. Magistrates are at all times to see that accumulations of filth, rubbish, and rank vegetation are at once removed from the jail by convict labour; and that stagnant tanks, jheels, ditches, and garbage in the vicinity of the jail are cleansed or removed. The utmost attention is enjoined to the ventilation of the wards, the state of the privies, the avoidance of over crowding at night, the cleanliness of the clothes and persons of the prisoners, their food and drink, the hours at which their meals are taken, and the nature and amount of the work performed by them. In the event of the actual outbreak of cholera, the prisoners should be at once removed to *pals*, and encamped in the most healthy spot that can be selected, with reference to their safe custody. All jheels, stagnant pools; and collections of decayed animal or vegetable matters, should not only be avoided, but care should be taken that the camp is not placed on the beside of any such place. The most scrupulus care should be exercised in the sanitary arrangements of the Camp, and its immediate vicinity. The end of the tents facing the prevailing winds should be closed at night, and the prisoners should not be exposed to dews or exhalations of any kind between sunset and sunrise. The walls of the jail wards should be white washed and portion of the prisoners removed into them as soon as the disease begins to yield. The darogah and all guards on duty should be warned to report immediately all cases of sickness that occurs; and the prisoners themselves should be enjoined to make known any appearance of diarrhea at once, as affording them the best chance of not falling viction to the disease.—*C. O. Insp. Jails L. P. No.* 30, *December* 26*th* 1855.

Management when cholera is present.

Wards to be white washed once in every quarter or oftener L. P.

2267. The Military Board have authorized the white washing of Jail words once in every quarter if necessary, and oftener on emergencies, on a written application to that effect being addressed by the officer in charge of the jail to the Executive Engineer of the division. The officer having charge of Jails will therefore be held responsible for their being kept in pure and cleanly condition; and prisoners should be prevented as far as possible from defiling the walls.—*C. O. No.* 167 *of vol.* 3, *May* 21*st* 1844. *W. P. &* 170 *of vol.* 3, *June* 19*th* 1844, *W. P. Jail rule sec.* 7, *para.* 1.

Floors and walls to be leeped once a week.

2268. The floor of every ward, be it stone, brick, plaster, or mud, is to be "leeped" to the thickness of half an inch by the cooks of messes or prisoners set apart for this duty once a week, a walk

being left unleeped of two feet down the centre when the width of the ward is less than 16 feet and a three feet walk when the ward is more than 16 feet wide. The walls of every hospital and ward should be first carefully scraped, and then leeped with fine potter's clay once a week, to the height of six feet. No charge on account of white washing will be authorized without previous sanction. *C. O. Insp. Prisons W. P. No.* 5 *July* 1*st* 1846.

White washing not allowed W. P.

2269. As the most serious consequences may be experienced from want of due attention to cleanliness in the wards; the Government will hold any Magistrate highly reprehensible, who is in attentive to this important part of his public duty.—*C. O. No.* 107 *of vol. I.* 26*th Dec.* 1811.

Officer in charge to see that wards are kept clean.

2270. The most advantageous plan for providing means of daily ablution to the prisoners, is that of a good sized tank in the immediate neighbourhood of the jail, but outside the walls. The practice of bathing within the walls, in the well from which water is drawn for drinking is open to objection, on account both of its impairing the quality of the water for drinking and of rendering the inside of the jail wet and dirty. A tank should be dug 120 feet square and 10 feet deep, which would be large enough for the purpose, and would retain water throughout the year. But whenever difficulties still remain for procuring the means of ablution for the prisoners in the vicinity of the jail, it is almost always practicable to allow them these means during the interval from labour which they enjoy in the middle of the day.—*C. O. No.* 161 *of vol.* 3, *April* 19*th* 1844 *W. P.*

Daily ablution of prisoners.

2271 As further connected with the health of the prisoners, the importance of providing means for their more frequent ablutions, and greater personal cleanliness is worthy of notice, as exemplified in the salutary effect produced on the health of the Cawnpore convicts from the permission given them to bathe in a tank adjacent to the prison. The attention of the Magistrates is directed to this subject.—*C. O. No.* 88 *of vol.* 3, 2*nd July* 1811 *para.* 7 *W. P.*

2272. It is the particular duty of the Jailor, and deputy Jailor, and other officers of the jail, under such rules and orders as are prescribed by the Magistrate, to prevent the water in the wells from being polluted.—*Jail rules sec.* 7, *para.* 3.

Wells to be preserved from pollution.

2273. The linen of the prisoners is to be regularly washed at stated periods.—*Jail rules sec.* 7, *para.* 2.

2274. Prisoners should be made to wash their own clothes on sundays, a little *khar* or *sajimaty* being supplied to them for the purpose. Ashes from the cook-rooms should also be used in washing clothes —*C. O. Insp. Jails, L. P. No.* 76 *January* 20*th* 1858.

Prisoners to wash their own clothes.

REPAIRS OF BUILDING.

2275. Magistrates are competent to undertake all minor work, not requiring skilled labor in the repairs and alterations of jail buildings, under the immediate sanction of the Inspector of Jails. Such work is to be executed by them and not by or through the executive Officer. The Government has ruled (April 28, 1856) that it is not necessary, "that the executive Officer should be called on for estimates of any ordinary brick and mortar work, or white washing or carpenter's work, or earth work required in jails, when the cost of the work does not exceed 500 Rupees, as the Magistrate ought to have sufficient information regarding local rates and prices to enable him to test an estimate prepared by the Jail Darogah, or any other of his subordinates." But a report is to be made to the Inspector of Jails whenever skilled assistance is needed in any work of difficulty. Magistrates are also required to report to the executive Officer of the Division any material alteration in, or any addition to, the Jail buildings, so as to give that Officer an opportunity of inspecting the work while in progress. And on the completion of such work they are strictly required to report the same to the executive Officer in order that the necessary entry may be made in the books of the department of public works.—*C. O. Inpector Jails L. P. No.* 42, *May* 9*th* 1856 *and No.* 5, *June* 21*st*, 1854.

Inspector may Sanction repairs and alterations not exceeding 500 Rs.

Report to be made to executive officer.

2276. The Inspector has the power of passing charges under 500 rupees for public works in the jail department, and his audit is final. But his sanction must be obtained before the works are commenced. —*C. O. Inspector Jails L. P. No.* 978, *June* 16*th*, 1859.

Audit of charge for public works in jails.

2277. In all cases of repairs, alterations, or improvements in Jails, convict labor when available is to be preferred to free labor. In estimates submitted for works, a small Column is always to be given showing the Cost of the work with free and with convict labour. When the employment of convicts is deemed

Convict labor always to be preferred to free labor when available in jails.

impracticable, the Magistrate is to state his reasons for so thinking at the foot of the estimate.—*C. O. Inspector Jails L. P. No.* 16, *November 8th*, 1854.

Delays in works in progress in jails to be reported to Inspector.

2278. Special reports of works in progress in Jails are to be made to the Inspector by Magistrates, where there appears to be any unnecessary delay in carrying out the work entrusted to an executive Officer.—*C. O. Inspector Jails L. P. No* 13 *September 2nd*, 1854.

CHARGES. Authority to incur.

2279. Officers in charge of Jails are competent to incur charges for the following items without the previous sanction of the Inspector :—

Clothing, half yearly.
Blankets, annually.
White washing, quarterly.
Contingent guard over working prisoners.
Prison rations and cooking pots.
Hospital and extra diet.
Ditto bazar medicines.
Oil for Jail.
Iron and charcoal for making or mending tools and fetters.
Baskets.
Brooms.
Ropes.
Dhoona.
Sajimati Khar. { These articles are the only expenses allowed for washing, which is to be done by the prisoners.
Gumlahs for privies
Mats or tat pot for bedding. { The former once in six months, or the latter once in the year.
Shaving expenses by Contract. If there are no barbers among the prisoners.
Leather *mozahs*.
Funeral expenses.

All minor work, such as extra white washing &c. is to be done by them under the sanction of the Inspector, instead of through the Executive Engineer. In carrying out such works it is necessary only to engage a competent rajmistry, if there should not be one amongst the prisoners : No repairs or alterations, coloring, or painting, are to be done to Jail buildings, by the Officer in charge, or the Executive Engineer, without the previous sanction of the Inspector. Propositions for additions and alterations to Jail buildings are to be decided upon between the Inspector and the local authorities on each Jail being visited, and as he is required, if possible, to visit every Jail at least once a year, there is no necessity for the Magistrate to send in propositions for trifling additions at any other time. It is, however, to be distinctly understood, that whenever such propositions for additions, alterations, petty repairs, &c., are sanctioned by the Inspector during visitation or in writing, it will still be necessary for the Officer in charge of the Jail to submit an estimate for sanction in the annexed form * It must be remembered

Estimate of the probable expense of making in the Jail.

		with hired labor			With convict labor		
	1 Wall 40 × 6 × 1½						
10,000	Bricks at 2 rupees per 1000	20			16		
20 maunds	Chunam at 50 Rupees per 100 maunds	10			6		
10	Soorkee at 12 " "	1			12		
100	Coolies at 2 annas each } in case convicts are not	12	8		0		
10	Mistrees at 8 annas each } available.	5			0		
100	Coolies at 2 annas each } in case convicts are				12	8	
10	Mistrees at 8 annas each } available.				5		
	TOTAL						

N. B. The labor of prisoners must not be charged for ; and in case of materials being supplied from the manufacturing Department care should be taken that the sum charged for them is exactly that at which they sell in the Bazar. When the labor of prisoners is not available that fact should be noted at the foot of the estimate.

that prison labor is to be employed in all cases when practicable. When works, undertaken under sanction obtained as above indicated, have been completed, a bill is to be submitted to the Inspector for audit. The Civil Pay Master and Accountant will not pass accounts without such audit.—C. O. *Insp. Jails L. P. No.* 41, *April* 30*th*, 1856, *No.* 8 *July* 26*th*, 1854 *and No.* 14 *September* 9*th*, 1854.

2280. Dhuna and damar are not allowed. Charcoal should be used for fumigation.—C. O. *Insp. Jails L. P. No.* 76, *January* 20*th*, 1858.

Sanction of Government when to be obtained.

2281. If the proposed charge should be greater than the Inspector is authorised to pass, the sanction of Government must be obtained before the charge is incurred.—*C. O. Insp. Prisons W. P. No.* 19 *January* 1849.

SECTION III.

OF MEDICAL MANAGEMENT AND HOSPITAL.

Civil Surgeon to inspect weekly and report.

2282. The Civil Surgeon is to inspect once a week, at uncertain intervals by day or night, all the jail wards, cells, and yards, grain, and food ; informing himself of the number of occupants of each ward or cell, and is to report on the reverse of the monthly casualty statement to the following effect.

No. and date of Civil Surgeon's inspection of jail wards and prisoners.			General health of the prisoners.	Quality and quantity of the food supplied.	State of the jail with regard to cleanliness, crowding and ventilation.
Date of Inspection	No. of Prisoners.				
	Inspected.	Withdrawn.			

Appending such remarks as he may deem necessary ; removing such prisoners as may require his aid to the hospital or infirm gang; and immediately calling the attention of the Magistrate, either by letter or in the order book of the jail, to any irregularity that may have come directly or indirectly to his notice.—*C. O. Insp. Prisons W. P. No.* 5, *July* 1, 1847.

Powers of Medical Officers in charge of Jails.

2283. The Inspector of jails is entitled to inspect the records of the jail Hospital : but in professional details the Superintending Medical Officers are the authorities to whom the Medical Officers in charge of jails are subordinate. A Medical Officer has no authority or power to do any thing in relation to dietary, labor, or any other prison arrangements. His authority is limited to the medical treatment of the sick, in which no one is to interfere with him ; in other respects he may report and recommend what he thinks fit, but it is the Magistrate (Officer in charge of the jail) alone who has power to act, and the Magistrate is under the orders of the Inspector. *C. O. Insp. Jails L. P. Dec.* 3*rd* 2859.

Duties of the Medical Officer.

2284. *Rule* I. The duty of the Medical Officer in charge of a jail embraces the consideration of every matter connected with the health of the prisoners, their treatment in hospital when sick, the regulation of their diet, clothing, work, and punishment, so far as they are concerned in the maintenance of their health ; and in general every thing connected with the hygiene of the jail and its inmates. In all these matters he acts in immediate subordination to the Magistrate or other Officer in charge of the jail.

Duties on appointment.

Rule. 2. The Medical Officer, on being appointed, is to make himself thoroughly acquainted with the regulations of the prison to which he is attached, and its various details.

Visits to the Jail.

Rule. 3. He is to visit every part of the prison once at least in every week, and oftener in times of great sickness; or when epidemic disease exists in the district or station; and is to enter in his journal the result of such inspection, recording any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, or any other cause which may affect the health of the prisoners. He is to ascertain that the water is pure and wholesome, and that there is an abundant supply for drinking, cooking and washing. He is especially to note all defects of drains, privies, and the conservancy arrangements generally of the jail. He is twice each week to see every prisoner whether Criminal, Civil, or awaiting trial. The result of all his examinations is always to be recorded in Journal an easy form for reference and inspection. *Rule* 4. He is to keep a Journal in which he will enter the date of every visit with any observations connected with the performance of his duty. This journal is to be kept in the jail for the information of the Magistrate and the Inspector of jails. After each visit of the Surgeon it is to be sent to the Magistrate for the immediate issue of such orders as that officer may find it necessary to pass. *Rule* 5. The Surgeon is personally to examine every prisoner on the day of his arrival at the jail, or at latest on the following morning. He is to record in a special register in the printed form appended, the name, age, state of health on admission, weight, and any disease of importance to which he may have been subject, of every prisioner. He is likewise to indicate his opinion as to the class of labor, on which the prisoner may be employed with special reference to his state of health, on admission. He is also to record the prisoner's state of health and his weight on discharge; or, in the event of his death, to state the date of his decease, and the disease of which he died, with the number in the record of fatal cases, in which detailed particulars regarding his death may be found. The number of every prisoner in this Register is to correspond with his jail number; so as, in the case of all fatal cases, to render it easy to trace the history, crime and all particulars connected with the deceased, which it may become necessary to know, or refer to, for statistical or other purposes. *Rule* 6. The Civil Surgeon is at all seasons of the year, as soon after sunrise as possible, to see all the prisoners who are sick or in hospital. He is also to examine all prisoners who complain of illness; admit those who require it to hospital; and, in the case of those who merely need the application of simple dressings, as in abrasions from fetters or other external treatment, such as does not render it necessary to send them to hospital, to enter in a special out patient register such variation of the diet or work of the out patient prisoners as he may consider it necessary to recommend. These recommendations are to be carried into immediate effect by the jail Darogah, the resgister being daily submitted to the Magistrate for his information and orders. When great sickness prevails, or the severity of cases actually under treatment requires it, the surgeon is to visit the jail as many times daily as many be necessary for the due and efficient performance of his duties. *Rule* 7. He is daily to visit the prisoners in separate or solitary confinement. *Rule* 8. He is to keep a regular hospital case book, in which is to be entered day by day, an account of the state of every sick prisoner, the name of his disease, and description of the medicines and diet and any other treatment which he may order for such prisoner. It is not necessary to keep detailed records of trifling cases; but the leading particulars connected with all severe and fatal examples of disease should invariably be recorded. *Rule* 9. An abstract register shall be kept of all fatal cases of disease, in which shall be entered viz. 1, the name; 2, age; 3, caste or religeon; 4, profession or occupation; 5, pergunnah and zillah; 6, crime; 7, sentence; 8, date of confinement; 9, date of disease; 10, work on which employed at the time of last illness, whether outdoor, indoor, or as jail servant; or if none laboring, whether civil, criminal, or in hajut, 11, disease, with a brief abstract of its leading character; 12, treatment, also in brief abstract; 13, Post Mortem examination, which must be made in every case; 14, remarks by Medical Officer, should be deem it necessary to offer any on the general or particular characters, causes, or other circumstances connected with the particular case, or class of cases in the event of their being due to epidemic causes. The headings from 1 to 10 inclusive should be filled in by the jail mohurir, from the prison register; and the remainder supplied by the Medical Officer himself. When severe epidemics prevail, and the fatal cases are so numerous as to render it impracticable to keep detailed records, a few typical and well marked cases should be selected by the Medical Officer for record and Post Mortem examination, in order that the general and specific characters of the visitation may be known

To examine every prisoner on admission and discharge.

Daily to visit the hospital and the sick.

Daily to visit prisoners in solitary confinement.

To make daily record respecting sick prisoners.

Special record of fatal cases.

and recorded. A copy of this register is to be sent every month to the Inspector of jails, with a transmitting letter containing any remarks the Medical Officer may wish to offer. The number of each case in this register is to be recorded in the appropriate column of the general admission register of the jail as required by *Rule* 5. *Rule* 10. He is to keep a special record of all cases of cholera, whether sporadic or epidemic, according to the form of Register supplied. A copy of this is, at the end of every month, to be transmitted to the Inspector of jails. *Rule* 11. His attention is to be directed to the scale of diet on which each prisoner is placed, and he has a discretionary power to recommend the increase, diminution, or change of the food, when required by the constitution and the state of health of any particular prisoner. He has the same discretionary power with reference to the diet of prisoners in the extremes of youth and old age. It is a Rule that diet is not to be made an instrument of punishment, such as cantend to the injury of health, but this is not to prevent the Magistrate from putting a refractory prisoner on reduced allowance, or a coarser kind of diet, where the civil surgeon does not object to it. The civil surgeon is daily at his morning visit to examine the food provided for the prisoners in order to see that it is of proper quality and properly cooked. *Rule* 12. He is to give directions in writing for separating prisoners having infectious complaints, or being suspected thereof ; for cleansing, disinfecting, and white washing any wards or cells occupied by such prisoners ; and for washing, desinfecting, or destroying any infected apparel or bedding. *Rule* 13. He is to examine every prisoner about to be removed to any other place of confinement, and report as to his being free from malignant, contagious, infections, or other disqualifying distemper, and in a fit state to be removed *Rule* 14. No prisoner is to be discharged from prison if laboring under any acute or dangerous disease ; nor until, in the opinion of the Medical Officer, such discharge be safe, unless such prisoner shall require to be discharged *Rule*. 15. No prisoner is to undergo corporal punishment, except in cases of great emergency until he is examined by the surgeon and certified by him to be in a fit state to receive such punishment. *Rule* 16, Within one week after the termination of each month, the Civil Surgeon is to submit to the Magistrate, for his countersignature and remarks and immediate transmission to the Inspector of jails, a complete monthly return of the sickness and mortality in the jail under his charge. Magistrates are required to report every instance, in which this rule is not strictly complied with. These reurns are to be drawn up in the form now required for the annual report submitted to the Medical Board (which will be forwarded as usual to that authority, through the prescribed channel) and are to embrace every circumstance of interest or importance connected with the jail during the month. The annual return is to be an abstract of the monthly reports. A fair copy of all such reports is to form part of the regular records of the jail. *Rule* 17. The annual returns of sickness and mortality in jails will be printed by the Inspector of jails and appended to his general report.—*C. O. Insp. Jails L. P. No.* 59, *January, 6th* 1857.

Special cholera register.

May increase diminish, or change diet in particular cases.

Sick prisoners when to be discharged.

To give directions in case of infection.

To examine prisoners previous to removal.

Sick prisoners when to be discharged.

Sanction of Surgeon necessary for corporal punishment.

Periodical returns of sickness and mortality.

Annual returns will be printed by the inspector of Jails.

2285. With reference to the above rules for the medical management of Jails, the following forms are required to be kept, with a view to secure uniformity and accuracy with the least possible trouble to Medical Officers. No 1 * is the Surgeon's special Register of persons on admission and discharge.

Surgeon's Register of prisoners on admission and discharge.

* Surgeon's Register of an admission to and discharge from the Jail of

Jail Number.	State of healthon admission.	Weight.	Previous diseases, vaccinated inoculated or had small pox.	Labor	Remarks.	State of health at time of discharge.	Weight.	Diseases while in prison.	Remarks.

This requires little explanation; yet it is an important record, as by it alone can be determined the extent to which the jails are responsible for deterioration of health, and mortality among prisoners. There can be no doubt that many prisoners, and particularly those who are convicted in times of want and famine, whose crimes are the result of poverty and starvation, or who are drunken, depraved, or addicted to narcotics, take into the jail the seeds of the diseases to which they rapidly fall victims in confinement. For this the prision is in very many instances only partially responsible, and in some not responsible at all.

At present such cases are entirely unaccounted for in the returns. The register of the weight of a convict on admission and discharge is important in regard to the sufficiency or otherwise of the prison dietary, and to the influence of labour, solitary confinement, and other points connected with prison discipline upon the general health of prisoners, respecting all of which, up to the present time, the jail records of the lower provinces furnish no information whatever. The previous diseases of a prisoner can in general only be imperfectly ascertained from natives, yet a knowledge of them is not without interest in determining the most judicious and humane means of disposing of them in captivity. It is also of importance in ascertaining the causes of the tendency of particular classes of convicts to scurvy, tuberculous cachexia, and the intractable forms of jail dysentery and diarrhœa, regarding which our knowledge is at present imperfect and defective. For the present, and until a sufficient number of properly constructed weighing machines can be furnished, in those jails not already provided with them, the weighing of convicts may be omitted. Number 2* is the mortality statement of the jail. Its advantages and necessity are so obvious, as to need no further mention. The briefest outline of the course and symptoms of the disease, of the general indications of treatment, and of the Post Mortem appearances, is all that is required. The first ten heads of information can be filled up in the jail by the Mohurir; the remainder will not occupy much of the time of the Surgeon. For facility of transmission and record, this return will be best kept on loose sheets, which can afterwards be stitched together in the jail records. Numbers 3†

* Casualty Roll of prisoners in the Jail for the month of 186 .

No.	Name.	Age.	Caste or Religion.	Profession or occupation prior to imprisonment.	Pergunnah and Zillah.	Crime.	Sentence.	Date of confinement.	Date of Disease.	Work in which employed at time of death.	Disease, with brief abstract of case.	Abstract of treatment.	Post Mortem examination.	Remarks.

† Record of cases of Cholera in the Jail for the month of 186 .

No.	Sex and Age.	Zillah.	Sentence, laboring or non-laboring.	Symptoms and course of disease.	Treatment.	Results.	Remarks.

and 4* are the cholera Registers, the former of all cases that occur, the latter of the result of fatal cases only. Cholera is so frequent a scourge of Jails in the Lower Provinces, and there are still so many disputed points in its pathology, as to render it desirable to collect accurate and trust worthy records, especially in public institutions, where the means of carefully observing the whole progress and characters of the disease exist. The following extracts from the circular issued by the Board of Health in London during the epidemic of 1854, will show the direction in which enquiry should be made, and the points on which further information is required.

Cholera registers.

Directions for enquiry in cases of cholera, and points on which information is required.

1. Through what channel does the exterior cause or poison of cholera first enter or affect the human body? Is it through the lungs? Or through the stomach and intestines? or otherwise?

2. Has the disease a period of incubation? If so how long? And on what is it contingent?

3 Is there conclusive evidence, affirmative or negative, as to communication of disease from person to person? Has any disproportionate liability to the disease been suffered by those in attendance on the sick, or by those engaged about their dead bodies, or occupied in cleaning their linen? Have cases of the disease occurred where personal infection was impossible? Have solitary cases arisen in large establishments, or been brought thither without any diarrhœa or cholera ensuing among other inmates? Where choleric disease has spread in an establishment, shortly after the arrival either of a choleric patient, or of some person from a choleric locality, has the establishment been previously free from diarrhœa or fever, and unexceptionable in its sanitary arrangements.

4. Does anything indicate a communication of the disease by provisions supplied from houses in which cholera exists?

5. Have persons engaged in particular manufactures, or other employments, appeared to enjoy any special exemption from the disease?

6. Has the disease been observed in apparent dependance on particular articles of diet? Has any immunity been enjoyed by persons deriving their water supply from a different source to that generally supplying their district. Has it occurred to persons, who have drunk no other water than such as had previously been distilled, boiled, or filtered through charcoal?

7. Does cholera begin as a morbid process of the gastrointestinal mucous membrane? or is this preceded by some state of general poisoning which requires the gastrointestinal membrane to act as an emunctory? Is the state of collapse determined by this gastrointestinal flux, and in proportion to it? or can it arise independently of any such flux? How are the lividity and the cramps determined and proportioned.

8. What conditions determine the occurrence, duration and severity of consecutive fever? What are the varieties of morbid condition included under this term? To what extent does it depend on the previous occurrence of profuse discharges or

Record of the Post Mortem examination of fatal cases of cholera in the Jail for the month of 186 .

Case Number.	Duration of severe symptoms.	Death in		Mucous Membrane.			Intestinal glands.		Mesenteric glands.	Spleen.	Liver.	Gall Bladder and ducts.	Peritoneum.	Kidneys and urinary passages.	Female Sexual organs.	Heart and blood.	Lungs.	Membranes.	Brain substance.	Ventricles.	Remarks.
		Collapse.	Reaction.	Stomach.	Small Intestines.	Large Intestines.	Solitary.	Aggregate.													

On the completeness of collapse? Does tupor in this stage always depend on uræmia or on what? In what proportion of cases and under what pathological conditions, is the fever accompained by exanthen?

9. When diarrhœa and cholera prevail together epidemically in a district, are they (with differences of degree) the same disease? Does the diarrhœa, if left to itself generally and safely tend to spontaneous recovery? or do such cases, without medical treatment, frequently in proportion to their numbers, pass into true cholera? Is there any way to discriminate a premonitery diarrhœa?

10. What changes, physical and chemical, are undergone by the blood in cholera? Does the consecutive fever represent, in regard to the blood, a period in which this fluid is tending to recover from injuries inflicted on its constitution during the stage of gastrointestinal flux: or is it attended by any process of change in the blood, leading to critical discharges or inflammations?

11. Does any obstruction of the capillary circulation in the malpighian tufts of the kidney, or in the lung or brain, or elsewhere, arise either from inspissation or other physical affection of the blood in cholera? Do any infiltrations or other parenchymateus changes, which have been observed in persons dead from cholera, arise in consequence of such obstructions? or do all these structural lesions arise as ordinary inflammatory processes?

12. Does the non-discharge of bile with the rice water secretions of cholera depend on tumefaction of the ductus choledochus, or on what?

13. Is the rise of temperature which has occasionally been observed after death by cholera confined to cases where death occurs during collapse? Does it occur only at the surface of the body, and if so, depend on a return of blood to the surface or does it occur also in the visceral cavities of the body, and in the substance of solid organs.

Example. In the mortality register of cholera No. 2, the following suppositions case will indicate the manner in which the record should be filled in:

1. Case 9.
2. Sex and age m. 25.
3. Duration of severe symtoms { d. h. / 4. 10.
4. Death in collapse or reaction. Reaction typhoid.
5. Stomach Distended with rice water fluid.
   Glands near pylorus much swollen.
6. Small intestines. Increased vascularity towards ileum.
7. Large intestines. Below the valve congestion, extravasation of blood, and superficial ulceration. Solitary glands enlarged.
8. Glands of small intestines Solitary glands enlarged and ulcerated. Aggreegate much enlarged, infiltrated, and whitish.
9. Mesenteric glands. Much swollen of a reddish gray colour.
10. Spleen.—Atrophied.
11. Liver.—Pale and anoemic.
12. Gall bladder.—Moderately distended with dark green ropy bile.
13. Peritoneum.—Healthy.
14. Kidneys and urinary organs.—Right Kidney coursely granulated; bladder empty and contracted.
15. Female urinary organs.—Blood and mucus in cavity of uterus; os uteri ulcerated; cyst in ovary.
16. Heart and blood.—In pericardium, a little fluid: heart small and flabby; valves healthy. No staining or coagula.
17. Lungs.—No fluid in pleuroe pneumonia of lower lobe on right side.
18. Membranes.—Veins on surface full, no fluid under arachnoid.
19. Brain substance.—Slightly congested.
20. Ventricles.—A small quantity of clear fluid.

21. Remarks any peculiarities connected with the particular case which the Medical Officer may desire to place on record.

In the general register of cases, No. 1, uniformity will best be secured, with the least trouble, and the results be susceptible of comparison with those obtained in Europe by observing the following instructions, which are likewise extracted from the report of the Medical Council of the general board of health, published in London in 1855. The extracts are reproduced in extenso, as the work in question is not generally accessible in India.

Instructions for the record of cases.

INSTRUCTION. 1.—The following degrees or stages of the disease are generally recognized by the Medical Profession and whenever it is possible should be distinguished. The terms adopted to designate them are in common use. All the stages are not present in every case.

Diarrhœa.

1. *Simple.*—Alvine discharges frequent and liquid, but fœcal. Vomiting and cramps absent.

2. *Choleraic.*—Alvine discharges very copious, watery, still tinged with bile. Vomiting generally present, but not continued or urgent. Cramps of extremities absent.

Cholera.

3. *Without Collapse.*—Alvine discharges watery, colorless, with white flakes (rice water.) Vomiting commonly urgent. Cramps of extremities frequent and several. Eyes some what sunken. Temperature of surface lowered. Pulse small and feeble urine not secreted.

4. *With collapse.*—Surface of face and extremities quite cold, often wet. Face and hands much shrunken, and more or less deeply livid. Cramps present. Pulse at wrist absent or scarcely to be felt. Veins of extremities contracted to dark threads. Urine not secreted. Voice usually much altered and feeble.

5. *Consecutive Fever.*—Temperature of surface more or less restored. Pulse distinct, sometimes full and throbbing. Veins more or less filled. Face less shrunken, or even full and deeply flushed. Drowsiness passing into stupor. Alvine discharges again containing bile. Urine in most cases, still suppressed.

INSTRUCTION II.—*Absence of stages.* The absence of any one or more of the earlier stages should be indicated by the word "*absent*" or "*abs*," written opposite the deficient stage in the place of the date of commencement. The fact of the disease not reaching the latter stages will be sufficiently shown by the mode of termination of the case ("death") or "recovery" being written opposite the stage at which the disease ceased.

INSTRUCTION III.—*Dates.* When the time of commencement of a particular stage cannot be ascertained, the words "not known" or "n. k." should be written in the place of the date. But although, the precise hour of the commencement of each stage cannot be determined exactly, except in rare instances it may generally be stated approximately by taking some intermediate time between a known period when the symptoms of the particular stage were entirely absent, and one in which they were clearly developed.

INSTRUCTION IV.—*Recovery.* The date of recovery should be fixed at the time when all the symptoms of the disease, and all marked disturbances of health directly resulting from it, have disappeared, although some degree of debility may remain.

INSTRUCTION V.—*Treatment.* The nature of the treatment should be indicated in the table as concisely as possible. When any uniform and definite plan of treatment is adopted in a series of cases, that plan should be accurately described in the space for "Remarks" and should be indicated on the table by one or two words, as "salines" "calomel cop" "stimulants" "sulph Ac." &c.

INSTRUCTION VI.—If any patient at the time of the attack was already suffering from another disease the nature of that disease and the treatment used for it should be mentioned in the "remarks."

Monthly general return of sick in hospital out lying gangs and lock up.

Number 5 * is the monthly general return of sick in the jail Hospital, and in all outlying gangs, as well as lock-ups. This return is to be transmitted within one week of the close of each month,

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* Monthly return of sick prisoners in the jail Hospital at under the charge of with the sick of all out station lock-ups attached to the jail.
Number of prisoners of all classes in custody on last day of preceding month.
Total number of admissions of prisoners of all classes during the month.
Daily average strength of Ditto Ditto
Ditto Ditto of sick to strength Ditto.
Average of deaths to strength ditto.
Average of deaths to treated.

except in cases where the out station lock up is at a great distance from the zillah, in which case, ten days

Diseases.	Remained.	Admitted.	Total.	Discharged cured	Transferred.	Liberated.	Died.	Remaining.	Total.	Remarks.
1 Zymotic diseases ..										
2 Sporadic diseases of uncertained or variable seat ..										
3 Of the nervous system ..										
4 Of the respiratory organs ..										
5 Of the organs of circulation ..										
6 Of the digestive organs ..										
7 Of the urinary organs ..										
8 Of the organs of generation ..										
9 Of the organs of locomotion ..										
10 Of the integumentary system ..										
11 Old age ...										
12 External causes, poisoning, asphyxia, injuries, &c. ..										
1										
1 Smallpox ..										
2 Measles ..										
3 Scarlatina ...										
4 Hooping cough ..										
5 Croup ..										
6 Trush ..										
7 Diarrhœa ...										
8 Dysentry ..										
9 Cholera ..										
10 Influenza ..										
11 Ague ..										
12 Remittent fever ..										
13 Common continued fever ..										
14 Erysipelas ..										
15 Syphilis ..										
16 Hydrophobia ..										
2										
17 Inflamation ..										
18 Hæmorrhage ..										
19 Dropsy ..										
20 Abscess ..										
21 Mortification ..										
22 Purpura ...										
23 Scrofula ..										
24 Carcinoma ...										
25 Tumours ...										
26 Gout ..										

after the expiry of the month will be allowed for the submission of the return. The total strength

Disease.	Remained.	Admitted.	Total.	Discharged cured.	Transfered.	Liberated.	Died.	Remaining.	Total.	Remarks.
27 Atrophy ..										
28 Debility ...										
29 Malformations ...										
30 Sudden deaths ...										
3.										
31 Cephalitis ...										
32 Hydrocephalus ..										
33 Apoplexy ...										
34 Paralysis ...										
35 Convulsions ..										
36 Tetanus ..										
37 Chorea ..										
38 Epilepsy ...										
39 Insanity ..										
40 Delirium tremens ...										
41 Brain &c., diseases of ..										
4.										
42 Laryngitis ..										
43 Quinsey ..										
44 Bronchitis ...										
45 Pleurisy ...										
46 Pneumonia ...										
47 Hydrothorax ...										
48 Asthma ...										
49 Phthisis ...										
50 Lungs &c., diseases of ..										
5.										
51 Pericarditis ...										
52 Aneurism ..										
53 Heart &c., diseases of ...										
6.										
54 Teething ..										
55 Gastritis ...										
56 Enteritis ..										
57 Peritonitis ...										
58 Tabes mesenterica ..										
59 Worms ...										
60 Ascites ...										
61 Ulceration ..										
62 Hernia ..										
63 Colic or ileus ...										
64 Intussusception ...										

of prisoners is to be obtained by adding together the whole number of prisoners of every class,

Diseases.	Remained.	Admitted.	Total.	Discharged cured.	Transfered.	Liberated.	Died.	Remaining.	Total.	Remarks.
65 Stricture ...										
66 Hæmatemesis ...										
67 Stomach &c., diseases of ...										
68 Pancreas, diseases of ...										
69 Hepatitis ...										
70 Jaundice ...										
71 Liver, diseases of ...										
72 Spleen, diseases of ...										
7.										
73 Nephritis ...										
74 Ischuria ..										
75 Diabetes ..										
76 Cystitis ..										
77 Stone ...										
78 Stricture ...										
79 Kidneys &c., diseases of ...										
8.										
80 Child birth ..										
81 Paramenia ...										
82 Ovarian dropsy ..										
83 Organs of generation, diseases of ...										
9.										
84 Arthritis ...										
85 Rheumatism ..										
86 Joints &c., diseases of ...										
10.										
87 Carbuncle ..										
88 Phlegmon ..										
89 Ulcer ..										
90 Fistula ..										
91 Skin &c., diseases of ..										
92 Intemperance ...										
93 Stavation ...										
94 Violent deaths ...										
Causes not specified.										
95 Contusions ..										
96 Wounds ...										
97 Fractures .										
98 Dislocations ..										
99 Concussio cerebri										
100 Burns and scalds ..										
Total..... ...										

186 . }

A. B.,
Civil Surgeon.

N. B. The following are the chief points, on which information is required in this portion of the record. 1, Health of Prisoners. 2, Food and clothing. 3, Cleanliness and ventilation. 4, Drainage. 5, Overcrowding. 6, Labour as affecting health. 7, Use of interdicted articles. 8, A detailed history of epidemics 9, Causes of mortality above one percent of strength. 10, Any general remarks or recommendations the surgeon may wish to offer.

criminal, civil, and in *hajut*, and will be obtained from the Magistrate's Office. The averages are to be calculated in the usual manner. Whenever the mortality is in excess of one per cent, of the whole strength; it is to be specially accounted for under the head of "*Medical History of the month*, at the close of the monthly Return given below which is likewise to include a brief account of any epidimics which may have visited the Jail during that time, and any remarks or suggestions which the Civil Surgeon may desire to make regarding ventilation, draining, clothing, food, labour, over-crowding, and internal economy generally of the prison, so far as they concern, or come under his observation as affecting, the health of the prisons. When epidemics prevail, a brief abstract of the results of the meteorological records kept during the month should also be appended to the return. The list of diseases is taken from the form of return adopted by the Register General in England, and is promulgated in its complete form to get rid of the unsatisfactory and indefinite class of *other diseases*. Many of the affections mentioned are of rare occurrence in Jails, and others may probably not occur at all; in such cases the corresponding column should be left entirely blank. It is hoped that care will be exercised in the accurate diagnosis of Jail diseases. At present most examples of phthisis and fatal cases of wasting from tuberculous cachexia, are returned as diarrhœa, this being the most prominent symptom preceding dissolution. Again, the ulceration of the cornea which occurs in the advanced stage of general debility and wasting from innutrition, is seldom recorded in the proper place. The detailed calculations of the sickness and mortality of the year will be made in the Office of the Inspector of Jails. The only annual statement required from Medical Officers will be a brief narrative of the results of the year in all matters relative to Jail hygiene.—*C. O. Insp. Jails L. P. No.* 63, *March* 20, 1857.

List of written statements required from Medical Officers under the foregoing rules.

2286. To sum up briefly the written statements, required from Medical Officers in connection with their professional duties in Jails, they are as follows:—

1. Brief notes in the Jail visiting book of all inspections of prisoner's food, &c.

2. The Register of the health and weight of prisoners on admission and discharge.

3. The Hospital case book, in which only serious and fatal cases need be entered, and those not in great or cumbrous detail.

4. The casualty records.

5. The cholera regiters.

6. The monthly return of sickness and mortality.

7. An annual narrative of the medical history of the Jail during the year.—*C. O. Insp. Jails, L. P. No.* 63, *March* 20, 1857.

Surgeon to see that sick prisoners are removed to Hospital.

2287. In the weekly inspection of the Jail made by the Surgeon of the station, he is to be careful to see that all prisoners who are actually sick, and require medical attendance, are removed immediately to the infirmary.—*Jail rules, sec.* 7, *para.* 4.

Sick prisoners to be sent to Hospital.

2288. In the event of any convict complaining of sores or sickness, he is to be sent to the hospital, and put on the sick list, if really indisposed.—*Jail rules, sec.* 7, *para.* 7.

Native Doctor.

2289. The native Doctor is to reside in the vicinity of the Jail.—*Jail rules, sec.* 7, *para.* 5.

Beds to be provided for Hospital.

2290. A sufficient number of *charpoys*, or beds, of the common construction, are to be provided for the accommodation of the sick confined in the infirmary.—*Jail rules, sec.* 7, *para.* 6.

Fetters may be taken off in Hospital.

3291. Whenever the Surgeon or native Doctor may judge it necessary to take off a prisoner's fetters, inconsequence of sores or illness, information is to be given to the Jailor, and the fetters are to be taken off in his presence. The Jailor is also to report the circumstances of the case to the Magistrate.—*Jail rules, sec.* 7, *para.* 8.

No other than prisoners are to be admitted into Jail Hospital.

2292. The practice of admitting indiscriminately into the Jail Hospital parties other than prisoners, and not connected with any foujdaree case, is very objectionable, from the possibility of their introducing diseases of an infectious character into the Jails, and it should therefore be discontinued at once. The charity Hospital is the proper place for all such parties; and where there are establishments

Exceptions to the above rule

of this character, the Magistrate is to see that no sick persons other than prisoners are admitted, on any account, into the Jail Hospital. The above remark has equal reference to wounded men ; but there is no objection to their receiving out-door relief. However in cases of parties with severe wounds, insanes not accused of any offence, and parties sent in by the Police for examination, where in door treatment is essentially necessary, they may be received ; but every caution must be taken to see that they are not suffering from infectious diseases, and they should be kept as separate and distinct as possible from the sick prisoners. The subsistence and other expenses incurred for parties thus admitted must be charged in the Magistrate's contingent bill, and not included in the Jail accounts, for they have no connection whatever with the Jail.—*C. O. Insp. Jails L. P. No.* 18, *November* 21, 1855.

Expenses incurred for parties admitted under the above exceptions must not be included in the Jail accounts.

Jail Hospital to be separated from civil station charges for native medicines &c.

2293. The charges incurred on account of Jail Hospital contingencies are to be separated from the sums disbursed in the purchase of native medicines and other articles for the use of the civil station at large. It is desirable to ascertain the expenditure, which with proper economy will suffice for the maintenance of the Jail, and this can only be done by excluding from the accounts all extraneous items of charge, and instituting at annual periods a comparision between receipts and disbursements. Magistrates are directed to be very careful to check any departures from this rule. Diet and native medicines for wounded men sent to Hospital, are to be charged in separate bills, and not mixed up with the Jail Hospital accounts.—*C. O. Insp. Jails, L. P. No.* 6, *July* 8, 1854.

Rules regarding Hospital charges.

2294 The Civil Surgeon will be able to afford all informations, so far as regards the expenditure on account of bazar medicines, &c., from his own contigent bills ; but it is necessary that a separate account should be kept of the expenditure of European medicines, &c., received from the Government Dispensary, in the same way as is done in all Government charitable Dispensaries, and a list, shewing the actual quantity expended of each article during the foregoing year, is to be prepared and forwarded through the Superintending Surgeon to the Medical Board on the 1st of January, for the purpose of being priced by the apothecary to the Government. When received back from that Officer, this list duly priced will be immediately returned to the Superintending Surgeon for transmission to the Civil Surgeon, who will embody it in the statement of Hospital charges, which it will be his duty to furnish to the Magistrate or other Officer in charge of the Jail. As great accuracy is necessary in the filling up of this column of Hospital charges, Civil Surgeons are instructed to separate the expenditure of European medicines, &c., in the Jail Hospitals under their charges from that which takes place on other accounts, as the list required to be forwarded henceforth on the 1st of January of every year is to exhibit the actual expenditure on account of sick prisoners only. In preparing this list Civil Surgeons ought not to experience any difficulty, as the Hospital diaries and other records of expenditure, which they are required to keep by the regulations of the service, must comprise the necessary data.—*C. O. Insp. Jails, L. P. No.* 17, *November* 16, 1854.

And bazar medicines.

2295. Bazar medicines required for the sick in jails are to be supplied by the native doctor. The bill for these articles will be prepared in one of the native languages, and the European Medical Officer after hearing it read and making any retrenchments that may appear necessary, is to write across the face of it, " passed for Rupees Annas Pies ," and is to attach his signature. The bill so passed is afterwards to be submitted to the revision of the Magistrate by whom it will ultimately be paid if considered unobjectionable.—*Medical Code Chap.* 5, *para.* 15, *C. O. Insp. Jails, L. P. No.* 17, *Nov.* 16, 1854.

Convicts to be removed in cases of endemic cholera.

2296 When endemic cholera breaks out in the jail, the whole or a portion of the convicts are to be removed to a healthy spot in the district ; which was found very beneficial in one instance when its attacks were very fatal in the insane hospital at Moorshedabad—*C. O. No.* 320 *of vol.* 1, 29*th Dec.* 1826, *and No.* 245 *of vol* 3, *Oct.* 6, 1843, *L. P. see para.* 2266.

Prisoners sick in Sub-division.

2297. Whenever convenient modes of transport are available, and it appears proper to forward prisoners at the head-quarters of sub-divisions to the Sudder Stations for medical treatment in serious cases, the Officers in charge are to make the necessary arrangements for carriage and escort. Prisoners whose sentences expire, whilst under treatment, at the sudder hospitals, are to have the option of being imme-

diately released or of remaining in hospital till cured. Civil Surgeons are to supply Officers in charge of sub-divisions with cholera medecines and simple directions for using them.—*Resolution Government Bengal, May 20th*, 1846.

2298 The Civil Surgeons are required to transmit quarterly to the Medical Board statements of the sick and of casualties, for such instructions as that Board may see fit to issue to them, or for such report to Government as circumstances appear to require; Magistrates are to give every assistance to the Surgeons—*C. O. No.* 132 *of vol.* 1, *May 26th*, 1814.

Quarterly report of Surgeons to Medical Board.

2299. Magistrates are to give the assistance of the writers and mohurirs on their establishments to the Surgeons, to enable them to prepare the periodical reports required of them on the state of the hospitals and Jail.—*C. O. No.* 138 *vol.* 1, *Aug. 9th*, 1814.

Magistrate's writers to assist in preparing it.

2300. Whenever the mortality in the jail during any one month exceeds one per cent, the Magistrate is to require the Medical Officer in charge of the jail to put on record, in the column of remarks of the monthly statement, his explanation of the cause of the excess, adding his own comments thereon; and in cases of very extraordinary mortality he is to make a special report on the subject, for transmission to Government through the session Judge, who is to append his own observations on the subject.—*C. O. No.* 187 *of vol.* 2, *24th Dec.*, 1835, *W. P. and No.* 98, *of vol.* 3, *27th June* 1842, *Magistrates rules, para.* 67.

Explanation required when mortality exceeds one per cent.

2301. Magistrates are directed in all cases to report at once to the Inspector of jails, all increase of sickness to strength, and of deaths to sickness, in their respective jails. The causes of the increased sickness and mortality, with the measures adopted to remove or mitigate them, are also to be brought to his notice without delay.—*C. O. Insp. Jails L. P. O. No.* 51, *September 20th*, 1856.

Increase of sickness and mortality to be reported to Inspector.

2302. The corpses of all Hindoo prisoners, if not claimed by their friends, are to be thoroughly burnt; and are not to be thrown half burnt into rivers or tanks. Such quantity of wood, as may be necessary for the purpose of consuming a corpse, is to be supplied by the contractor, on the application of the jail darogah; and the latter will be held responsible that it is used for the purpose intended. Wood thus expended will be entered in the jail contingent bill as one of the items of disbursement, which the Officers in charge of jails can incur without previous sanction. The corpses of Musulman prisioners, if not claimed by their friends, are to be decently burried by prisoners of their own religions; and the Officer in charge of the jail may supply, if necessary, a piece of new cloth for wrapping round the body. This cloth will be charged in the jail contingent bill in the same way as is directed above regarding the wood. These orders are to be strictly carried out; and are not to be allowed to fall into disuse.—*C. O. Insp. Jails L. P. No.* 19, *Jannary 9th*, 1855.

Rules regarding the disposal of corpses of prisoners.

SECTION IV.

OF DIET AND CLOTHING.

2303. *Rule* 1. Every prisoner in the criminal jail is to be provided daily with dry or uncooked rations, and no money is to be paid to the prisoners on any account whatever. Two cooked meals are to be supplied before and after labor, during the day, and in quantity and variety agreeably to the annexed table. The quality of the food is to be under unremitted supervision. Its preservation by the convict cooks is to be well attended to, and care taken that each individual receives his due share. Water if not at hand and procurable of good quality from wells, tanks, or rivers, should be brought by convicts, in *gurrahs* or earthen vessels, from the nearest spot where good water is procurable, to enable the working prisoners to quench their thirst with wholesome drink during the day. Prisoners are to be permitted to take with them the whole or any remaining portion of the morning's cooked meal, and to eat it when inclined during the period of labor. Raw or parched grain is prohibited. In the opinion of the Medical Board, the mid-day tiffin of parched grain, formerly allowed invited the accession of the very ailments which have caused the greatest mortality among the prisoners.—*C. O. No.* 143 *of vol.* 3, *Sep-*

DIET, LOWER PROVINCES.

Rations to be given dry.

Two cooked meals.

Quality of food and care of it.

Supply of water.

Intermediate meals.

Money.

tember 1st 1843 *L. P.* (V) Money is not on any account to be carried into the jail. Money affords the prisoners the daily enjoyment of marketing, which would be a great alleviation of the punishment of any class of men, but peculiarly agreeable to the Indian character. As this enjoyment has no good moral effect upon the prisoner, and tends to make the penalty of his crime less efficatious than it ought to be, the indulgence appears in this view an unmixed evil." *Reports* of the prison disipline commitee page 31. It would be to no purpose to prevent marketing with money, if it were allowed to market with barter—*C. O. No.* 28 *of vol* 3, 23*rd August* 1839, *para.* 4*th L. P.*

Bartering.

(VI) No bartering on any account is to be allowed. The prisoners are to be allowed only what is laid down in the subjoined form. (VII) The Medical Officer of the station is to approve of the musters of the provisions. The musters are to be sealed up in bottles or jars, and the contract to be reduced to writing. (VIII.) All the prisoners in the criminal jail, those under examination or committed to the session only excepted, are to be formed into messes (IX) Each mess is to consist of 20 men as the standard number, and one cook to be allowed for that number. [This number must vary according to circumstances, such as the sufficiency or otherwise of a number of men of the same caste to form a mess of 20 or other cause. The rule is not intended to be imperative, but to serve as a guide to the Magistrate in distributing the prisoners into messes. In the formation of messes the prisoners sentenced to labor should be kept separate from those sentenced to simple imprisonment. As the labor of the cooks does not equal that of the other convicts, well behaved convicts might be employed as cooks ; and a selection should be made from the convicts sentenced to labor for cooking the food of the convicts sentenced to simple imprisonment ; and such cooks should mess with the prisoners for whom they cook.] (X.) List of any prisoners of the classes that ought to mess, but who for any special cause are exempted from messing, are to be submitted quarterly to Government with a column for remarks, in which the cause of exemption is to be briefly stated. [Exemption from messing should not be allowed for every trivial cause. The rule is that messes be formed, and the exemptions are to be as few as possible.] (XI.) In the morning when the prisoners go to work, the mess cooks are to be employed in drawing water, cleaning the wards, washing the cooking utensils, receiving the rations from the contractor and making the necessary preparations for cooking : after this the cooks are to be employed in weeding in the jail. [This rule points out the mode of employing the cooks, who are not to be sent out with the working gangs. It is probable that objections on the score of caste may be occasionally made by the cooks to cleaning the wards of the jail. These will of course meet with proper attention from the Magistrates.] (XII) The Magistrates are to provide iron degchies or cooking pots, to be proportioned to the size of the messes. C. O. No. 97 of vol 3. (XIII) The surgeon of the station is to see the prisoners at a meal at least once a week, his visits to be at irregular intervals and unannounced (XIV.) A public Register is to be kept by the Surgeon of his visits, in which are to be entered any remarks he may consider necessary regarding the dieting of the prisoners. It is the duty of the Session Judge to see that this Register is regularly kept up, (XV.) Contractors are to be allowed to build store-houses for their grain on any Government ground near the Jail, and provided the contract is duly performed for one year by the individual erecting the same, one half of the cost of the store house is to be defrayed by Government. [The contract system for providing the food at a fixed rate all the year round should be had recourse to where it is practicable. The contract should be made with due regard to economy on the one hand, so as to protect the Government against unnecessary expense, and on the other to the health of the prisoner, so as to ensure for him the full allowance fixed by Government for his daily ration.] (XVI.) In addition to the standard ration, one pice [per week] is to be allowed for each prisoner for washing and shaving (XVII.) All washing and shaving to be performed by contract. But see para. 2279. [The foregoing rules are to be considered applicable in their full extent to the male convicts only. The Magistrate may enforce them as far as he is able in regard to female convicts also ; but the small number of female prisoners in most of the Jails will, in many instances, render the application of them impracticable].—*C. O. No.* 89 *of vol.* 3, 9*th July* 1841 *and* No. 145, 6*th Oct.* 1843, *L. P.*

Musters of provisions.

Formation of Messes.

Persons exempted from messing.

Cooking Pots.

Surgeon's visits.

Contractors and contracts

Washing and shaving

2304. *Table of a prisoner's daily rations.—C. O. Govt. Bengal No.* 38, *November 24th,* 1851.

NON LABOURING CONVICTS.

	Morning Meal.							Evening Meal.								
	Rice.	Dall.	Vegetables.	Mustard Oil.	Salt.	Mussala per diem.	Total of each.	Rice.	Dall.	Vegetables.	Fish or Flesh.	Mustard Oil.	Salt.	Mussala per diem.	Total of each.	Grand Total daily food.
	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.
Same daily.	5	1	0	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$6\frac{3}{8}$	6	2	1	0	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$9\frac{3}{8}$	$15\frac{3}{4}$

WORKING CONVICTS.

	Morning Meal.							Evening Meal.								
	Rice	Dall.	Vegetables.	Mustard Oil.	Salt.	Mussala per diem.	Total of each.	Rice.	Dall.	Vegetables.	Fish or flesh.	Mustard Oil.	Salt.	Mussala per diem.	Total of each.	Ground total daily food.
	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks.	chittaks	chittaks.	chittaks.	chittaks.	chittaks.	chittaks
Monday.	5	1	0	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$6\frac{3}{8}$	7	0	2	2	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$11\frac{3}{8}$	$17\frac{3}{4}$
Tuesday.	5	1	0	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$6\frac{3}{8}$	7	2	2	0	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$11\frac{3}{8}$	$17\frac{3}{4}$

One and a half seer of firewood or $1\frac{1}{4}$ seer to be allowed as may be found requisite.

* The above change on alternate days of the week, except on sundays when the labouring convicts will receive the same as the non laboring. Up-country prisoners should be allowed wheat flour insead of rice.

Diet of prisoners in Hospital. The sick are to be divided into 3 classes, I. Those who are to receive full non-laboring rations, 2. Those who are to receive half-rations, 3. Those who are to receive none. The first class consists of those who are in Hospital for sore legs, or other complaints that do not affect their general health. The second includes those who are too unwell to consume the full allowance, or who may have part of their diet supplied by the Civil Surgeon, and charged in his monthly contingent bill. The third consists of all those who receive their whole diet from the Civil Surgeon. Firewood is given to all alike. The native Doctor is to furnish a memorandum of the number of each class to the jail Darogah early every morning in order that the proper quantities may be made over to the

Hospital cooks. The Civil Surgeon is requested to check those memorandum frequently to see if they are correct. The diet table for second class prisoners is as follows.

MORNING MEAL.						EVENING MEAL.						
Rice.	Dall.	Vegetables.	Oil.	Salt.	Mussalah.	Rice.	Dall.	Vegetables.	Oil.	Salt.	Mussalah.	Wood.
Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks.	Chittaks	Chittaks.	Seer.
2½	½	0	½	½	½	3	1	1	½	½	½	1

C. O. Government Bengal, No. 120, *January 9th*, 1852.

Water used for cooking & drinking.

2305. Sufficient attention is not paid to the water used for cooking and drinking. Water from stagnant tanks, jheels or wells, which are nearly dry, should not be used, and whenever the Civil Surgeon, after examination, considers the water to be unfit for consumption in its natural state, and none other is procurable, it should be boiled, and filterd through charcoal and sand in common earthen vessels.—*C. O. Insp. Jails, L. P. No.* 30, *Decr.* 26, 1855.

Time of feeding

2306. The time at which the food is taken by the prisoners is not whithout its influence on their health. The safest rule is to adopt, when practicable, the habits of the people of the district.—*Ibid.*

Rice must be one year old.

2307. Rice less than one year old is not to be served out to the prisoners.—*C. O. Insp. Jails, L. P. No.* 21, *March* 26*th*, 1855.

Contracts to be sanctioned by Inspector.

2308. Every Officer in charge of a Jail is to submit his proposed rates of contract for the sanction of the Inspector of Jails.—*Government Order Bengal in. C. O. Insp. Jails, L. P. No.* 57, *Nov.* 26*th*, 1856.

Certain classes exempted from messing.

2309. Prisoners under examination, and prisoners sentenced to simple imprisonment without labor are exempted from the ration and messing system ; and are to receive a money allowance as formerly.—*C. O. Government Bengal No.* 861, *April* 1, 1846 ; *and No.* 2359 *November* 30*th*, 1846.

Applications for special indulgen-

2310. In future all representations for the grant of special indulgences to prisoners for the sake of their health, are in the first instance to be addressed to the Inspector, for such remarks, as he may consider necessary to make before transmitting them to higher authority. The only exception to this rule must be in urgent cases when he is absent on circuit in districts more distant from the Officer making the reference than the seat of Government. In such cases Magistrates are authorized to address the Government directly.—*C. O. Inspector Jails, L. P. No.* 43, *May* 12*th*, 1856.

Exchange of Rupees into pice.

2311. The Treasurer is not to be allowed to derive any profits from the exchange into pice of Rupees disbursed for the diet allowance of prisoners. The pice, at whatever rate they are procurable, are to be charged for at the actual rate at which they are purchased.—*C. O. No.* 270 *of vol* 1, 20*th Novr.* 1822.

2312. The annexed diet table is in use in the western provinces.— DIET WESTERN PROVINCES. Diet table.

No. of Class.	DENOMINATION AND CLASS OF PRISONERS.	DAILY ALLOWANCE.					TWICE A WEEK.	
		Atta.	Dal.	Salt.	Pepper.	Wood.	Vegetables in lieu of dal.	Oil in lieu of Ghee.
1	Prisoners under sentence of labour.....	Chs. 10 or of rice 8	Chs. 2	¾ of a tolah or 67½grs.	1 head per day or 36 grs.	6 to 8 chs.	4 chs.	¼ tola *
2	Prisoners under examination, non-labouring, women and boys under 5 years.	8 or 7 of rice	2 do.	ditto	ditto	ditto	ditto	ditto
	Hospitals diet to consist of four rates 1	10	2	ditto	ditto	ditto	ditto	ditto
	2	8	2					
	3	6	2					
	4	4	2					

*Or 5 seers of vegetables and 1 chittack of oil for 20 Prisoners; both articles to be cooked together.

8 Chattacks of fuel to each prisoner cooking singly, and 6 chattacks to every member of a mess or 7½ seers to every mess of 20.

Rice or other grain may be substituted at the descretion of Civil Surgeon and Magistrate.

The several kinds of dal, *arhur* and moong to be suppplied every alternate week.

Red wheat to be supplied sound and free from insects.

The atta to be carefully ground, and freed from bran in the proportion of 1½ seer in every 40 seer of atta; 5 seers of Barley may be added to every 35 seers of wheat. With due economy the diet of a prisoner should not cost more than six pie per day, though this must of course vary in some degree with the price of food. Atta. Cost of diet.

The Civil Surgeon may adopt any one or more of the four fixed rates of Hospital dietary; or prescribe extra Items of Hospital diet, furnishing the jailor every morning with a memorandum of the Total quantity of rations required. Rations will not be drawn for prisoners receiving extra diet. Hospital dietary

Two chattacks of *chubenah* may be allowed to each laboring prisoner, when recommended by the Civil Surgeon. The parched grain is to be served out to the prisoners, before they commence work in the morning, and it is left to their option to eat it then or afterwards. Chubena.

No deviation from this scale is permitted, unless the Civil Surgeon states that the lives of the prisoners would be endangered by the delay in making a reference, in which case immediate effect is to be given to his requisition and report made.—*C. O. Inspector prisons W. P., No.* 5, *July* 1*st* 1847, *and No.* 33, *June* 28*th*, 1852. Deviation from Scale when allowed.

2313. In order to secure properly ground food to all and every prisoner alike, the cooks should mix and knead the ration of atta with water in the presence of the distributing officer so as to prevent any sifting of the finer from the coarser parts of the meal.—*C. O. Insp. prisons W. P. No.* 5, *July* 1*st*, 1857. Atta to be mixed with water before distribut.

2314. The plan of purchasing the wheat needed for consumption through a trusty agent, and having it ground inside the jail by the prisoners themselves is a valuable means of providing good nutritous diet in the place of adulterated food, and thus conducing to the improved health of the prisoners. But it must be borne in mind that trust worthy Superintendence, and the unrelaxed personal exertions and scrutiny of the Magisterial and Medical authorities, are essential conditions of its success.—*C. O. No.* 88 *of vol. III*, 2*nd July* 1843, *para.* 5, *W. P.* Grinding wheat whithin the jail.

What cooking utensils are allowed.

2315. Each mess of twenty prisoners is allowed one iron or wooden *parat* two feet broad, one *Butlohee* of six seers weight, one *tawa* of two seers weight, and one iron *carchul* (*culchool*). These should be marked with the number of the mess. A prisoner not included in any mess should be allowed one *butlohee*, one *thalee*, one *lota*, one *kutora*, and one *tawa*.—*C. O. Insp. prisons W. P. No.* 5, *July*, 1*st*, 1847.

Shaving.

2316. As a general practice it is desirable that every criminal prisoner who is sentenced to imprisonment with labor, should, on final confirmation of the sentence, or expiration of the period of appeal without an appeal being preferred, have his head and face close shaved, and be subsequently shaved once every 15 days, by prisoners set apart for this duty. The Hindoo will retain the *sikka*. The beard and moustaches of all prisoners will be close trimmed. But Magistrates are authorized to exempt from this rule those prisoners to whom they think that such a proceeding would be justly offensive or degrading. Seikhs in the Jails of Umbala, Loodhianah, and Ferozepore are exempted from this rule, and must be similarly exempted wherever they may be imprisoned. It must be carefully borne in mind, however, that the rule is not, in any case, to be made the means of unnecessarily harrassing respectable men who may be imprisoned under sentences liable to be reversed on appeal.—*C. O. Insp. prisons W. P. No.* 5, *July* 1*st*, 1847, *C. O. Insp. Jails, L. P. No.* 52, *October* 2*nd*, 1856.

2317. Some of the prisoners should be taught to shave the others, if there are none of the barber caste in jail.—*C. O. Insp. Jail, L. P. No.* 76, *Jany.* 20*th*, 1858.

Tobacco Prohibited prisoners.

2318. It has been proved by a mass of positive testimony that the views of the most eminent modern medical authorities upon the subject of the use of Tobacco are correct. That it is a mere luxury; that its employment, is not necessary for the performance of any natural function, and that it may, in a vast majority of cases be abandoned at any time without detriment to health. Stringent measures are to be adopted to prevent the surreptitious use of tobacco, especially among out door labouring prisoners. Whenever it is detected, the guards in charge of the prisoners, upon whom it is found, or who have been caught in the act of smoking or chewing tobacco, are to be punished, as it is impossible for the prisoners to procure forbidden luxuries without connivance or neglect of duty on the part of the said guards; and the prisoners who are proved by sufficient evidence to have obtained tobacco are likewise to be subject to the proper penalty for a breach of jail discipline. Hajut prisoners are not to be exempted from the general prohibition against use of tobacco. This order is not intended to interfere in any way with the power now possessed by Medical Officers of prescribing tobacco in hospital to such patients as may appear really to require it. It is hoped, however, that this power will be exercised with the greatest care and judgement, that the hospital may not become the resort of malingerers, and of those who are desirous of escaping the proper penalties of their crimes.—*C. O. Insp prison W. P. No.* 32, *June* 24*th* 1852. *C. O. Insp Jails L. P. No.* 44, *May* 15*th*, 1856.

CLOTHING. Annual allowance of clothing.

2319. The blankets or other clothes annually allowed to the prisoners, are to be served out at stated periods, and on account rendered of the old ones: care also is to be taken that the prisoners do not sell or dispose of them in any way.—*Jail rules, sec.* 9, *para.* 25.

Warm clothing L P

2320. Arrangements are always to be made to distribute warm clothing on the first October of each year, as blankets can be purchased cheaper then than in the cold weather, and the probable number that will be required can be calculated as early as in July.—*C. O. Insp. Jails L. P. No.* 7, *July* 18*th*, 1854.

Each prisoner is allowed one blanket in summer, and two in winter, one of the two being new.—*C. O. Insp Jails L. P. No.* 22, *April* 26*th*, 1855.

Warm Jacket for aged and sick.

2321. In the case of sickly and aged prisoners one blanket may be converted into a warm close fitting jacket to protect the chest, loins and abdomen.—*C. O. Insp. Jails L. P. No.* 1709, *August* 10*th*, 1859.

Blankets to be returned.

2322. All prisoners in confinement during the cold season are to be furnished with blankets, but prisoners confined for short periods, when discharged, are to be required to give them up. The returned blankets, unless rendered unfit for use, are to be reissued to other prisoners in similar predicament.—*C. O. No.* 207 *of vol.* 2, 24*th September* 1841. *W. P. and No.* 93 *of vol.* 3, 14*th October* 1836.

Cotton Clothing L. P.

2323. Every Female prisoner is to be supplied twice in the year with 12 yards of cotton cloth, and every male with eight yards and one yard to serve as a *gumcha*. To those sentenced for less than six months, the Magistrate is to issue only such quantity as he may consider necessary. All persons convicted

of felony to wear prison clothing. Misdemeanants are to be allowed their own clothing. Old clothing is to be taken away when new is issued; if very dirty, it should be destroyed; otherwise it should be made into musals, basket pads, paper, or appropriated to any other use the Magistrate may think proper. Cloth made in jails is to be charged at its bazar price; and care is to be taken that the darogahs do not charge an advanced rate for it to enhance their own commission.—*C. O. Insp. Jails L. P. No.* 2, *May* 26*th* 1854 *and* No. 28, *November* 15, 1855.

This clothing is to be distributed on the first June, and first December.—*C. O. Government Bengal No.* 1342, *July* 20*th*, 1853.

2324. Each prisoner is to be allowed a piece of sacking for his bed, 8 feet long by 2½ feet wide. This length will allow of one end being turned over to form a pillow; and strings should be attached to the other end, by means of which the prisoners will be able, when they rise in the morning, to tie up the bedding in a neatly rolled bundle.—*C. O. Insp. Jails L. P., No.* 22, *April.* 26*th and No.* 26, *June* 15*th*, 1855. Bedding L. P.

2325. All prisoners who are confined within the walls of the Jail (as distinguished from those who are still permitted to work beyond its precincts) are to wear distinctive uniform dress, varying in its colour according to the class of offenders to which the convict belongs. The following colours are to be adopted to mark the several classes of prisoners. Color of dress to be worn by prisoners, W. P. distinguishing crime.

No.	Crimes.	Colour.
1st Class.	Dacoity, Burglary, highway robbery, child stealing, giving poison, and theft with wounding.	Black.
2nd Class.	Cattle stealing, theft, possessing stolen property knowingly, bad livelyhood.	Indigo.
3rd Class.	Forgery, counterfeiting base coin, perjury, breach of custom laws, fraud, &c.	Red.
4th Class.	Assault with wounding, simple assault, abusive language.	White.
5th Class.	Culpable homicide, affray with ditto, simple affray, aggravated assault and Tresspass.	Garoo or light red.

Convicts working on the roads beyond the jail are for the present to continue to wear the yellow uniform which is generally recognized throughout the country as the prison dress.—*C. O. Inspector prison W. P. No.* 64, 28*th August* 1855.

2326. Every male prisoner is to be allowed two *dhotees*, one *merzaic*, one *angocha* and one blanket; and each female two *lahungahs two koortees* one *chudder*. A Tatputtee bedding, 6 feet by 2, is to be allowed to each prisoner; and on the 20th September a blanket coat and an additional blanket are to be served to each, the latter articles being taken back at the end of the cold weather, and stored for another season. Quantity & description of clothing and bedding W. P.

Extra Tatputtee beddings and extra blankets marked H. and numbered consecutively are to be allowed to every Hospital.—*C. O. Insp. Prisons W. P. No.* 5, *July* 1*st* 1847.

If a prisoner has not retained the blanket allowed to him during the year, a second should be supplied to him on the 15th November.—*C. O. Insp. prisons W. P. No.* 20, *August* 8*th*, 1849.

2327. The several Magistrates throughout the lower and Western provinces are authorized to furnish to the prisoners under examination, or committed for trial, and generally to all other prisoners who may from indigence be unable to supply themselves, the same quantity and description of clothing as is at present or may hereafter, be authorized for those prisoners who are strictly denominated convicts. The Magistrate is to exercise his discretion in furnishing such articles for the prisoners above alluded to, with reference to their real wants and necessities, whether at the time at which the prisoners are first brought in, or at any other periods during their confinement. The Magistrates of the several stations within the Western Provinces are authorized to furnish annually an additional blanket.—*C. O. No.* 209, *of vol.* 1, 30*th October* 1818. Hajut and indigent prisoners.

SECTION V.

Of Fetters and Offences.

Fetters.
Rule for imposing fetters on prisoners.

2328. In forwarding the correspondence noted in the margin relating to the terms "rigorous imprisonment" and " simple imprisonment" as used in the Penal Code, for your information and guidance, I have the honor to draw your particular attention to the 2nd para. of the Orders of Government noted above and to request that whenever fetters are imposed, each case must be recorded separately in the jail order book and bear your signature.—*Copy of a letter from Government N. W. P. No.* 185 *A*, 25*th March*, 1862. In continuation of the endorsement from this Office No. 115 A, dated 20th ultimo regarding the terms " rigorous imprisonment" and " simple imprisonment" as used in the Penal Code, with special reference to the expressions " with" or "without" irons, which were formerly included in sentences passed in criminal cases, I am directed to forward for your information the accompanying copy of a letter from the Register to the Nizamut Adawlut No. 294, dated 25th ultimo and to state for your future guidance that fetters should *not* be imposed except where such a measure is indispensible for the security of the prisoner, where sentence of simple imprisonment has been passed and that, ordinarily they *should* be imposed when sentence of " rigorous imprisonment" has been passed. 2nd. The Officer in charge of the jail should on receipt of a prisoner give instructions as to the imposition of fetters or not, being bound not to transgress the rule laid down above. 3rd. Of course the existing rules, as for instance, that female prisoners are not to be subjected to irons except in cases of special necessity will still remain inforce.—*Copy of a letter from the Register Sudder Dewany Awdalut, No.* 294, *dated* 28*th February* 1862. I am desired to acknowledge your letter No. 114 A, dated 20th instant in the Judicial Department in which His Honor the Lieutenant Governor has requested to be furnished with the views of the Court regarding the terms "rigorous imprisonment" and " simple imprisonment" as used in the Penal Code with especial reference to the expression with or without irons which were formerly included in sentences passed in criminal cases. 2nd. In reply I am directed to say that in the opinion of the Court the criminal Judicial Authorities now have only to do with *rigorous* and *simple* imprisonment and the above distinction only should be observed in their sentences. The imposition of fetters or not the Court conceive to be now a matter distinct from the Judicial sentence, and wholly within the province of jail discipline, with which the criminal Courts have now no concern; 3rd. The Court observe that the Law contains no allusion to fetters as forming part of the punishment, nor does it abolish the former jail rules by which the dicipline of the jails is regulated, nor the regulations relating to jail discipline. 4. The imposition of fetters as a means of restraint and Security therefore appears to the Court to be anologous to any other measure of jail discipline, regarding which the Penal-Code is silent and which should in their opinion be regulated by the executive.—*C. O. Insp. prisons W. P. No.* 58, 29*th March* 1862.

Discretion to impose fetters allowed to officer in charge of jail in certain cases.

2329 In all cases wherein no specific orders are issued, either by the Nizamut Adawlut or the Sessions Court, for the confinement of a prisoner with or without irons, the Magistrates is at liberty to exercise his own discretion, and to direct the prisoner to be confined in fetters or not, according as the same appears to him proper or necessary for his safe custody, from the nature and circumstances of the case, considered with the prisoners rank and former condition in Life.—*C. O. No.* 122 *of vol I*, 11*th March* 1813.

Cases of soldiers and camp-followers.

2330. So, the Magistrate may use their descretion, in imposing fetters on native Soldiers and camp-followers, who are made over to the Civil Authorities to undergo sentences of imprisonment adjudged against them by Courts Martial.—*C. O. No.* 155 *of vol* 3, 27*th January*, 1844, *W. P.*

Prisoners confined for misdemeanors.

2331. The Magistrates are not to impose fetters on persons confined for misdemeanors, except in the event of special necessity arising out of bad conduct of the offender during his imprisonment, which may make such restraint indispensible for his security: when, therefore, the Magistrate places fetters under this restriction on any person convicted of misdemeanor, he is to record on his proceedings the ground of the measure in each case.—*C. O. No.* 217, *April* 20*th*, 1819 *and* 223, *August* 27*th*, 1819, *L. P. and No.* 224, 27*th August*, 1819, *W. P. of vol* 1.

2332. Female Prisoners are not to be subjected to irons, except in cases where some special necessity exists for their use, as a precautionary measure, such as by way of security to prevent escape.—*C. O. No.* 31 *of vol.* 3, *October* 11*th*, 1839. Female prisoners.

2333. The fetters generally used in the public jails are to be of a light and uniform construction, and no fetters exceeding the usual size and weight are to be put upon a prisoner without the special sanction of the Magistrate.—*Jail rules, sec.* 9, *para.* 10. Fetters to be made of a certain size and weight.

2334. The fetters are to consist of two bars connected by a moveable ring, and fastened to the legs by rings in such a manner as to allow sufficient freedom of motion; and those in ordinary use are not to exceed it in weight one seer and a half, the seer being that of eighty sickas. The Magistrate may cause fetters of less weight to be used whenever it appears safe and proper, with reference to a prisoner's age, size, strength, state of health, or to his general behaviour, and character. This rule, however, is not meant to preclude the use of heavier fetters in cases of an attempt to escape, or disorderly conduct, for which the substitution of heavy fetters is expressly authorized by section 6, Reg. XIV 1816.—*C. O. No.* 207 *of vol.* 1, 20*th August* 1818. How to be made.

2335. The irons worn by prisoners, and more specially the rings around their limbs, are at all times to be kept bright and polished. All sordes and dirt are to be carefully removed and prevented from remaining in contact with the skin of the convicts. The Civil Surgeon is occasionally to examine, and to record the state in which he finds them for the information and order of the Magistrate.—*C. O. Insp. Jails, L. P. No.* 29, *December* 24*th*, 1855. Fetters to be kept bright and

2336. In order to protect the legs of the convicts from ulceration in consequence of the friction of the fetters, the Magistrate is directed to cause every convict in the jail, confined on fetters, to wear leather gaiters or mozas, extending a few inches above the ancle; and to enjoin the guards to be careful that the convicts do not take them off while out at their work. Care is to be taken that the rings of the fetters, placed on newly admitted convicts, are quite clean, and freed from all asperities arising from dirt or rust or carelessness in the original construction. If ulceration ensues at any time, the fetters should be immediately removed. Magistrates are at liberty to use their descretion in substituting chains for the long iron links generally in use; but it seems doubtful whether the security of the prisoners might not be diminished by the adoption of chains. As the chains might be sooner cut through, unless the links are made of a thickness which would add materially to their weight.—*C. O. No.* 38 *of vol.* 2, 28*th August* 1829 *and No.* 95 *of vol.* 2, 9*th March* 1832. Leather Mozahs to be used. Chains may be substituted for long links.

2337. Mozahs should always be made of common country tanned leather by the Mochee prisoners when there are any in jail.—*C. O. Insp. Jails, L. P. No.* 76, *January* 20*th*, 1858.

2338. Hand cuffs, and neck chains may be used occassionally for prisoners evincing a refractory disposition; but except in cases of emergency, the necessity for them, is to be previously reported for the orders of the Magistrate.—*Jail rule, sec.* 9, *para.* 11. Hand Cuffs and Neck Chains.

2339. The practice of placing an iron ring round one ankle of prisoners sentenced to imprisonment without labour and irons, is prohibited as a general measure. Prisoners should be dealt with in Jails in strict accordance with the terms of the sentences judicially passed upon them; and if, in cases of infraction of jail discipline or refractory conduct, it may be found necessary to put irons or rings upon prisoners of any description, the Magistrate is immediately to place on record in the jail order book the reasons which have induced him to order their imposition,—*C. O. Insp. Jails L. P. May* 21*st* 1856. The imposition of rings on prisoners not sentenced to irons forbidden as a general measure.

2340. The construction of substantial jails in each jurisdiction having rendered it unnecessary for the safe custody of prisoners in such jails that they should be confined in stocks, except in special cases of exigency, the ordinary use of stocks in the public jails is strictly prohibited. If at any time a Magistrate, under special circumstances, considers the temporary use of stocks to be indispensably requisite for the custody of any of the prisoners under his charge, he is authorized to direct the same, but is immediately to transmit a full report of the case for the information and orders of the Session judge.—*C. O. No.* 183 *of vol.* 1, 30*th April* 1817. Stocks.

Fetters not to be removed without orders of Magistrate.

2341. The jailor is not without a special order from the Magistrate to take off the irons of any prisoner, except in case of any sudden emergency not admitting of the delay of the reference to the Magistrate, or when prisoners are confined in the infirmary in too weak a state to bear the weight of their irons; and such cases when they occur are to be immediately reported to the Magistrate.—*Jail rules sec.* 9, *para.* 13.

Jailor to examine fetters and to take care that they are kept clean

2342. The fetters of the prisoners are to be examined by the jailor or his deputy before they are put into the ward. And he is at the same time to enjoin on the convicts the necessity of keeping the rings clean, and to bring to the notice of the Magistrate any instances of their disobeying his order.—*C. O. No.* 95 *of vol.* 2, 9*th March* 1832. *Jail rules sec.* 9, *para.* 12.

2343. Any convict who is found to have loosened his irons, is to be fettered with hand cuffs and neck chains.—*Jail rules, sec.* 9, *para.* 32.

Prisoners making disturbance.

2344. If any prisoner makes a riot and disturbance, or attempts to resist any of the guard, he is immediately to be put in chains and hand cuffs, and the circumstances of the case are to be reported to the Officer in charge. *Jail rules sec.* 9, *para.* 27. And the imposition of hand cuffs under such circumstances by order of the Officer in charge is no bar to a sentence by a competent Court on a formal trial for such riot.—*Rep. L. P.* 1852, *part* 1, *page* 596.

Officers in charge of jail are vested with authority to punish on a summary enquiry the following offences, viz.

2345. For the purpose of enabling the Officers in charge to maintain good order and discipline among the prisoners confined in the public jails, or other authorized places of confinement, and to enforce a due observance of the prescribed rules by the employment of the prisoners under their charge, they are vested with authority to punish, on a summary enquiry, the offences below specified.—*Reg. XIV* 1816, *sec.* 4.

Contumacious refusal to work.

2346. A contumacious refusal to work by any prisoner sentenced to hard labor, or though not so sentenced who is subject to labor under any provision in the Regulations, or under the discretion declared to be vested in the officer in charge of the jail, by the orders of the Court of Nizamut Adawlut, with respect to prisoners not exempted from labor by the sentences of the criminal Courts and not in capable of bodily labor from age, sickness, or other infirmity.—*Ibid, sec.* 5, *cl.* 1.

Neglect and indolence.

2347. Willful neglect and indolence in the performance of any presented work by a prisoner subject to labor, as described in the above clause, specially after previous admonition.—*Ibid, cl.* 2.

Disobedience to written rules suspended in the jail for general information.

2348. Willful disobedience to any of the written rules for the observance of prisoners and internal economy of a public jail, which have been translated into the current language of the country, and suspended on a board within the jail for general information, as directed in the printed Jail Rules now in force.—*Ibid, cl.* 3.

Refractory behaviour.

2349. Refractory behaviour by prisoners; such as resistance to the jailor, guards, or other public officers, in the regular discharge of their proper functions; abusive language to any such officers; and generally, any culpable behaviour towards them which does not involve a serious act of criminality, such as cannot be duly punished by the Magistrate and should therefore be brought before the Sessions Court.—*Ibid, cl.* 4.

Disorderly conduct.

2350. Any other instance of disorderly conduct by a prisoner; such as riot, insurrection, attempt to escape, taking off, or loosening or attempting to loosen by filing, cutting or otherwise, his own irons, or those of other prisoners, with a view to escape; conspiring with other prisoners for the purpose of insurrection or escape, or for any other criminal purpose; abusing or assaulting another prisoner; and generally any misconduct committed by a prisoner whilst in custody, which under the Regulations in force, or from its aggravated nature, does not exceed the competency of the Magistrate, and is therefore more properly cognizable by the Sessions Court.—*Ibid, cl.* 5.

Disabling themselves for labour.

2351. Prisoners disabling themselves for labour are guilty of a breach of prison discipline, and as such are punishable by the Magistrate under general rules laid down for the management of public jails.—*Con. No.* 1152.

What punishment the Magistrate may award.

2352 The powers vested in the Magistrates for the punishment of the offences specified in the preceding section, which on a summary enquiry appear to have been committed by any of the

prisoners under their charge, are declared to be as follows; due regard being had to the nature of the offence, the condition of the prisoner, and every other just consideration applicable to the case. —*Reg. XIV* 1816, *sec.* 6, *cl.* 1.

For contumacious refusal to work, neglect, or indolence.

2353. In cases of contumacious refusal to work, or of willful neglect and indolence in the perfomance of any prescribed work, within the first and second *cl.* of sec. 5 of this regulation, the Magistrate may cause the prisoner to be moderately corrected with a rattan (in certain cases see below) and in the instance of a prisoner's pertinaciously refusing to work, may likewise order his diet allowance to be reduced, in such degree as is consistent with his support, until he perfoms the work required from him.—*Ibid, cl.* 2.

For disobedience to written rules, refractory or disorderly conduct.

2354. The offences specified in the 3rd, 4th and 5th clauses of the preceding section are punishable according to the nature and circumstances of the case, by stripes with a rattan not exceeding the general limitation prescribed for this mode of punishment by a Magistrate, viz. thirty rattans (in certain cases, see below) or by close and as far as practicable by solitary confinement; or when a prisoner has attempted to escape, by the substitution of heavy fetters for those in ordinary use, which are directed by the jail rules to be of light and uniform construction; by the temporary addition of neck chains of a moderate weight, when the prisoner has been refractory or turbulent, or guilty of any act of violence; and in aggravated or emergent cases of this nature, by the further restraint of hand cuffs, whilst such restraint, which is never to be imposed without necessity, appears to be requisite for the safe guard of the prisoner, or to prevent his doing mischief to others.—*Ibid, cl.* 3.

But corporal punishment must be moderate and only in unavoidable cases.

2355. Under the above provisions, all offences which are opposed to the maintenance of discipline in the public jails (as those enumerated in section 5, Reg. XIV 1816,) are, when committed by convicts sentenced to labour in irons, punishable with stripes; but it is to be borne in mind, that such punishment must be moderate, and that it should be inflicted only when it is thought to be unavoidable for the maintenance of the discipline of the jails.*—*C. O. No.* 235 *of vol.* 3, 13*th Nov.* 1846.

Infliction must be superintended by the Magistrate or his Assistant.

2356. Corporal punishment is to be inflicted in the presence either of the Magistrate or of his Assistant, and the office of superintending the infliction of stripes is never to be deputed to a native ministerice officer.—*C. O. No.* 59 *of vol.* 2, 24*th Sept.* 1830.

Examination by surgeon before punishment.

Stripes to be inflicted on the breech.

2357. No prisoner is to be flogged without the opinion of the Civil Surgeon being first taken as to whether the case be one in which that punishment can be safely administered. As a general rule, stripes should be inflicted upon the breech and not upon the back, proper measures being adopted to guard against the blows falling upon any other than the part intended to receive them.—*C. O. Govt. Bengal No.* 1019, *May* 13*th*, 1852.

Power of Joint Magistrates and assistants in such cases.

2358. The powers vested in Magistrates by the above rules may, of course be exercised by joint Magistrates, and Assistant Magistrates, who are not stationed at the same place with the Magistrates, and who under the general Regulations are invested with the authority of Magistrates, with respect to prisoners under their immediate charge. The Magistrates are further empowered to refer to their Assistants at the Sudder Stations any cases within the provisions of this Regulation. The order of reference is to direct whether the Assistant is to submit his proceedings for the Magistrate's decision, or to pass his own determination in the case refered to him. If the Assistant be authorized to determine the case refered to him, he is empowered to pass the same order as might have been passed by the Magistrate; but his decision is open to revision (on appeal) by the Magistrate, if the latter see cause for it, as provided in the existing law with respect to all judgements passed by the Assistant to a Magistrate who is not vested with the full powers of Magistrates.—*Reg. XIV* 1816, *sec.* 7.

* This order rescinds circular order No. 1 of vol 3, 15th Sept, 1837, L. P. 10th Nov., idem W. P. which made it imparative that the corporal punishment should be inflicted at the moment following so immediately on the offence, as to deter others by force of example.

2359. If in any case the Magistrate considers the punishment he is authorized to inflict inadequate to the offence, he is to commit the prisoners to take their trial before the Sessions Court —*Cons. No.* 85.

2360. Prisoners punished by the Magistrate for breach of jail discipline cannot be committed to the sessions for the same offence, as any further punishment would be cumulative and therefore illegal.—*N. A. R. vol. VI, page* 58.

Examples of punishment.

2361. A prisoner confined in jail under sentence of seven years imprisonment without labour, was convicted of making an assault on the Magistrate, while in the execution of his duty ; and sentenced to receive 15 stripes, and to be imprisoned in hand affairs and fetters for the space of seven years in addition to his former sentence, and to be kept to hard labour : but the Magistrate was allowed to relax the restraint of hand cuffs, whenever from the prisoners behaviour he might consider its safe to do so.—*N. A. R. vol.* 1, *page* 329.

2362. A prisoner, under sentence of 14 years imprisonment, was convicted of attacking the Magistrate, while in the execution of his duty, and striking the jailor and the jemadar, and sentenced to transportation for life.—*Rep. L. P.* 1853, *part* 11, *page* 152.

2363. The life convicts in the Allipoor Jail attacked the Magistrate, jailor, and guards. The two principals were convicted of assualting the jailor in the execution of his duty with the intent to cause his death and were sentenced capitally. The remaining prisoners were convicted of aiding and abetting in the attack on the Magistrate and his Officers, severely wounding them, and of having joined in such attack with the intent of causing death, or with the knowledge that they were likely to cause death, and were sentenced to transportation for life.—*Rep. L. P.* 1852, *part* 1, *page* 295.

2364. The prisoners, convicts, were convicted of riot and insurection in jail, and sentenced the leader to imprisonment with labor and irons in transportation for life, and the others to imprisonment with labor and irons in banishment for 14 years.—*N. A. R. vol. VI, page* 61.

Records to be kept of such cases.

2365. It is not necessary to make a detailed record of the evidence, or of any part of the proceedings, held in the summary enquiries authorized by this regulation ; nor is it requisite to examine witnesses upon oath, except in cases of a serious nature, involving offences spicifically provided for by the general rules in force for the administration of criminal justice. But a record is to be kept of every summary conviction and punishment ; stating the name of the prisoner ; the offence charged against him ; the substance of the evidence and conviction ; or the Magistrate's personal view when the facts of the case have taken place within his view ; and the punishment ordered with the date of the order ; to be signed by the public officer by whom it is passed. The record so authenticated is to be kept ready for the inspection of the session Judge on his visiting the jail, that a reference may be made to it in the event of any complaints being preferred by the prisoners. Should the session Judge see cause to disapprove the order of a Magistrate, his assistant, in any instance, he is to notice the same to the Magistrate, with any instruction which appear necessary, and are consistent with the regulations in force ; or if the Magistrate, or his assistant, appears in any instance to have been guilty of any gross neglect, or other misconduct such as is required to be reported to the Nizamut Adawlut by section 63, Reg. IX 1793 (Ced. Pro. sec. 30, Reg. VII. 1803) or by any other Reg. inforce, the Judge after calling for any requisite explanation is to report the same accordingly.—*Reg. XIV* 1816, *sec.* 8.

Duties of Session Judge.

No appeal lies to the Judge.

2366 No appeal lies to the session judge from the order of a Magistrate passed under Reg. XIV. 1816. The penal provisions of that regulation are not repealed by act XVIII. 1844. which regards merely arrangements of executive control and Superintendence. Section 2 of the Act quoted by no means confers an unlimited authority on the Government to direct the infliction of such punishments within jails as it pleases.—*Letter of the N. A. to judge of Bokergunge* 295, *March*, 24*th* 1853.

Power of Government.

SECTION VI.

OF ESCAPE.

2367. The Magistrate is to keep up, and regularly revise, in the vernacular language, a register of the names of convicts who have broken jail, or have otherwise effected their escape, in the annexed form. A copy of this register is to be forwarded in the 1st of January and the 1st of July in each year, to the Superintendent of Police. Register of escaped prisoners.

Register of convicts who have broken jail, or have otherwise effected their escape.

Name and caste of the persons who have escaped from Jail.	Name of the father.	Supposed age.	Description of his person.	Supposed usual place of residence.	Amount of reward offered for his apprehension.	Date of apprehension, surrender or ascertained death.	No. of case; the year in which it is preferred; and in what part of the record office the record is to be found.

Reg. III. 1812, *sec.* 9, *cl.* 1, *and* 2.

2368. A half-yearly return is to be made to office of Inspector of Prisons on the first of January and first of July in the subjoined tabular form, showing the number of convicts who have broken jail during the 20 years preceding and are still at large. Persons, who escaped more than 20 years since, may be inserted if special reasons exist. When any such convict is recaptured, his name should not be omitted from the next succeeding return, but the fact of his apprehension should be mentioned in the column of remarks, and his name struck out of the subsequent lists.—*C. O. Insp. prisons W. P. No.* 60, 28*th Aug.* 1855 *and No.* 68, 28*th Aug.* 1855. Half-yearly and Escape Statement.

1	2	3	4	5	6
Name of convict. Father's name, Caste, village to which he belongs, Purgunnah, Zillah.	Offence of which he was convicted, sentenced, and date of sentence.	Date and circumstances of escape.	Amount of reward offered.	Description of the convict's personal appearance.	REMARKS.

2369. Government requires that proper vigilance should be exercised in preventing the escape of prisoners from jail. The particulars of each escape are to be explained in the monthly returns.—*C. O. Govt. Bengal, No.* 1368, *October* 28*th*, 1849. Particulars of each escape to be reported.

2370. To prevent the escape of prisoners from jail by feigning themselves dead, the Magistrate is not to allow the removal of the bodies of prisoners who die in jail, until an inquest has been held on them by the native surgeon of the Station, and such other persons as the Magistrate appoints for the purpose, and the result of such inquest regularly reported.—*C. O. No.* 26 *of vol. I*, 29*th June*, 1801. Inquest to be held on dead bodies of prisoners before removal.

2371. In any case in which there appears to the native doctor, or other officers associated with him, to be the slightest doubt with regard to the actual death of a prisoner, the body is not to be removed until it has been examined by the Civil Surgeon himself. But surgeons are not to be required to inspect previously to their removal the bodies of all prisoners, reported to have died in the jail.—*C. O. No.* 204 *of vol. I*, 2*nd July* 1818. And in cases of doubt the Surgeon is to inspect the body.

Proceedings of Magistrate to be submitted to the Judge.

2372. All proceedings held by Magistrates in regard to the escape of prisoners, as well as any proceedings respecting the conduct of the guards, from whose custody the escape has been effected are to be submitted for the inspection and orders of the session Judge.—*Reg.* XVII 1816, *sec.* 14, *cl.* 1. *Cons. No.* 1162.

Information of escape to be forwarded to Superintendent of Police.

2373. The Magistrates are to communicate to the Superintendents of Police of their respective divisions all instances of convicts breaking jail before the expiration of the period of their sentences, as well as every instance in which a prisoner in custody, during examination, or commitment for trial, or under requisition of security for good behaviour, effects, his escape; transmitting for the information of the superintendent of Police a copy or extract of the proceedings holden by them on such occasion, together with information of the measures taken to re-apprehend the persons who have escaped; and stating at the same time whether in their opinion it is advisable to offer any reward for the re-apprehension of such persons, and if so, the amount of such reward.—*Ibid, cl.* 2.

Rules for offering rewards for re-apprehension.

2374. The reports regarding the escape of prisoners to the Session Judges and the Superintendents of Police, required from Magistrates by the above provisions, are to be forwarded as heretofore (before the passing of Act. XVIII. 1844) But the power of sanctioning rewards for the re-apprehension of escaped prisoners is transferred from the Superintendents of Police to the Magistrates, who are authorized to proclaim rewards in such cases to the extent of fifty rupees. In cases where it is deemed expedient to offer a higher reward than the above, the Magistrates are to report the circumstances direct to Government for its sanction. In cases however in which heinous offenders have escaped, or on occasions of emergency, the Magistrates are to exercise a discretion, as heretofore, it offering a reward not exceeding 100 Rupees, reporting the offer for the conformation of Government.—*C. O. Govt. Bengal No.* 1072, *October* 10*th* 1844, *para.* 9.

Power of sanctioning rewards for the capture of escaped prisoners.

2375. The power of sanctioning rewards to the amount of five hundred rupees for the capture of prisoners breaking jail, is vested in the Inspector, to whom the Magistrate is invariably to report without delay the escape of any prisoner, the measure adopted for his capture, and the punishment of those parties who have rendered themselves liable to punishment in connection with it. The Inspector is authorized to empower Magistrates to sanction rewards not exceeding fifty rupees in any one case, the reward being proportioned to the unexpired term of the runway's sentence.—*C. O. Govt. Bengal No.* 49, *May* 5*th*, 1857.

2376. Magistrates are authorized to advertise rewards for the re-apprehension of convicts, who escape from their custody, and to pay such rewards to the captors according to the following scale:—

	Rs.	As.	Ps.
For a prisoner whose original sentence did not exceed six months imprisonment ...	10	0	0
1 year's	15	0	0
3 „	25	0	0
Above 3 „	50	0	0

Whenever peculiar circumstances may render it advisable to offer a larger reward than is authorized by the preceding rule, or a higher amount than fifty rupees for any one prisoner, the application for sanction must be submitted to the Inspector. The payment of reward is to be entered in the jail contingent bill, under the head of the miscellaneous charges, accompanied by the usual statement of application for rewards in which a short explanation of the circumstances should be given. In order to prevent the connivance of the guard with a view to participating in reward, the full penalty of additonal imprisonment allowed by law, should be inflicted in all cases, and the award of punishment is to be noted in the column of remarks of the statement of rewards.—*C. O. Insp. Prisons W. P. No.* 51, *7th March* 1854 *and C. O. Insp. Jails L. P. No.* 82, *9th April*, 1859.

Inspector W. P. may sanction reward of 100 Rupees in each case.

2377. All applications for the issue of rewards for the recovery of escaped convicts from the jails under the Inspector of prisons must in the Western Provinces be made to that officer, who is authorized to sanction such offers to an amount not exceeding hundred rupees in each case. Where larger offers are proposed, the Inspector will report the case for the previous sanction of Government.—*Govt. Order W. P. No.* 149, *January* 18*th*, 1851.

2378. In the Western Provinces Magistrates are required, on the escape of a convict for whose re-apprehension a reward has been sanctioned of 100 rupees or upwards, to forward without delay a notification in annexed form for publication in the Agra Government Gazette, accompanying the same with a translation into Urdoo. Notification in Government Gazette.

Descriptive Roll of convict sentenced to imprisonment for life (or —— years) who escaped from confinement on the ——— of ———186 .

Name of prisoner.	Caste and age.	Residence.			Crime and date of sentence.	Whence escaped.	REMARKS.
		Village.	Pergunnah.	District or country.			
							To contain description of fugitive's persons, notice of any reward offered for his apprehension, or other particulars.

Magistrate's Office
Zillah
The of

A. B.
Magistrate.

C. O. No. 105 *of vol.* 3, *March* 4, 1842, *W. P.*

2379. The Superintendent of Police is to employ, in concert with the Magistrate, the means which he considers best adapted to effect the re-apprehension of the offender.—*Reg. XVII.* 1816, *sec.* 14, *cl.* 3.

2380. Five convicts were tried for heading an insurection in the Deegah penitentiary, in which the Magistrates' authority was resisted, and his life placed in danger, and were convicted; but no punishment was awarded, because the Magistrate had inflicted corporal punishment, previous to commitment, for breach of jail discipline; and any sentence would therefore have been a second punishment for one and the same offence.—*N. A. R. vol. VI, page.* 58. No subsequent punishment can be added to that immediately inflicted for breach of jail discipline.

2381. Act V of 1858 is repealed except as to any sentences passed under that Act.—*Act XVII* 1860, *sec.* 1.

2382. It shall be competent to the executive Government of any presidency or place to declare by an order, as regards any or all of the districts under such Government, the time within which the persons, who within such district or districts shall, between the 1st May 1857 and the time so declared, have escaped from Jail or other lawful custody, whilst detained under sentence of imprisonment for any of the crimes herein-aftermentioned, could and ought to have surrendered themselves to a Magistrate or Police Officers; and no such person who shall have so surrendered himself within the period as aforesaid shall be liable to be prosecuted under this Act.—*Act. XVII* 1860, *sec.* 2. Time for the surrender of certain escaped offenders.

2383. Every person who whilst detained as aforesaid, shall have escaped from Jail or other lawful custody during the period mentioned in the last preceding section, and who shall not have surrendered himself within the time declared by the executive Government as aforesaid, may be sentenced to transportation for life, or for any shorter period not being less than five years, or to imprisonment with or without hard labor in irons for any period not exceeding three years, in addition Punishment for not surrendering within the time aforesaid.

In what cases Magistrate may pass sentence without commitment to Sessions Court.

to any unexpired term of his original sentences. In any case falling within the provisions of this section, in which the Magistrate shall be of opinion that in addition to the unexpired term of the offender's original sentence, a more severe sentence than that which such Magistrate is, by any law for the time being in force, empowered to pass, is not called for, it shall not be necessary for the Magistrate to order the commitment of the offender to the Sessions Court, but he may himself pass sentence to the extent of his powers, and proceed to carry the sentence into execution.—*Ibid, sec.* 3.

Sentence under Act V of 1858 are deemed valid.

2384. All sentences already passed in cases falling within the provisions of Act V of 1858, shall be deemed valid, any thing in the said Act to the contrary notwithstanding.—*Ibid, sec.* 4.

Certain escaped offenders remanded to jail not liable to be prosecuted under this Act.

2385. If any person subject to the penalty, prescribed in Section I. Act V. of 1858, shall, before the passing of this Act, have been remanded to jail under the order of a Magistrate, to undergo the portion of his sentence remaining unexpired at the date of his escape from jail or other lawful custody, such person shall not be liable to be prosecuted under this Act.—*Ibid, sec.* 5.

Enumeration of crimes referred to in Section 2.

2386. The following are the crimes referred to in Section II, namely, rebellion, mutiny, desertion, murder, attempt to murder, thuggee, dacoity, robbery, belonging or having belonged to a gang of thugs or to a gang of dacoits, or to a wandering gang, associated for the purpose of theft or robbery.—*Ibid, sec.* 6.

Punishment for knowingly harbouring or concealing offenders

2387. Whoever shall knowingly harbour or conceal, or assist in harbouring or concealing, any such convict, who shall have escaped as aforesaid, and shall not have surrendered within the period provided in section II of this Act, shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.—*Ibid, sec.* 7.

Liability of landlords to give early intelligence of the resort of escaped prisoners to their estates.

2388. All proprietors of lands, and all farmers, agents, and other persons having the charge or management of lands, are hereby declared accountable for the early communication to the Magistrates and Police Officers of intelligence of the resort, to any place within the limits of the lands held or managed by them, of any person in respect of whom there shall be reasonable suspicion of his being such convict who has escaped as aforesaid ; and every proprietor or other person as aforesaid, who shall neglect to give such intelligence, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding six months, and to fine not exceeding two hundred Rs., commutable, if not paid, to imprisonment for a further term not exceeding six months.—*Ibid, sec.*8.

Magistrates, &c. authorized to tender pardon in certain cases.

2389. Any Magistrate or person exercising full powers of a Magistrate, unless prohibited by order of the executive Government, is hereby authorized, without reference to any other authority, to tender a pardon to any person who may have escaped from jail or other lawful custody, whilst detained under sentence of imprisonment, for any crime or offence other than the crimes abovementioned, on condition of his giving such information as may lead to the apprehension and conviction of one or more person or persons punishable under this Act. Such pardon may be tendered, as well in respect of the crime or offence for which the offender was detained, as of the offence of escaping from jail —*Ibid, sec.* 9.

Jurisdiction.

2390. Offences under this act other than those provided for by sec. 8 of this act, may be tried by a Session Judge, or by a special Commissioner appointed under Act XIV 1857; and the sentence or judgment shall not be subject to appeal ; provided that nothing contained in this Section shall extend to the trial of a European British subject.—*Ibid, sec.* 10.

2391. For detailed rules as to lists of absconded offenders to be kept by Magistrate and sent to Police and Land-holders, section 9, see Reg. III of 1812, Pink proclamations to be adopted, and the sheets of uncaught criminals to be sent half-yearly for Commissioners counter signature before being lithographed and spread over the whole of the N. W. P.—*Government Orders Aug. 3rd,* 1854.

Rules for pursuit of proclaimed offenders.

2392. 1. Existing lists to be carefully revised by Magistrates, and only those names retained in new Registers, against whom there is *prima facie* proof.

2. Lists to be kept in well-bound books in English and Urdoo. New names to be entered on the responsibility and signature of Magistrates.

3. When defendants in heinous offences are not arrested, an enquiry to be instituted and evidence recorded.

Where all the parties elude the Police, this investigation will constitute the Missil regarding the crime in which all orders, &c. are to be filed and the case will remain pending till the arrest, surrender or ath of their entire number.

These Missils will be numbered consecutively, in a separate series for each year.

In cases in which some of the offenders are captured, while others remain at large, copies of such parts only of the evidence as implicate the latter will be formed into a separate Missil and retained under the old numbering in this special series, the case being held pending, as regards those persons in the manner above described. Each Missil shall contain an order of Magistrate for the entry of the names of the offenders in the register.

4. A separate portion near the end of each register to be set aside for entries of Proclaimed offenders of other Districts. And in the last pages of Register number, (1) Magistrate will enter crimes of peculiar gravity, with date, place, and thana, in which no person has been designated as having been concerned, but which it is of importance to keep permanently in view.

5. These Registers will supersede all orders of Nizamut Adawlut.

6. The Pink Proclamation (Govt. Order 3rd August 1854.) to be continued with the republication at the close of each half year, of a District Hue and Cry sheet in which all unsuccessful, proclamations are to be entered.

7. On first of each January the Hue and Cry will be sent to Commissioner who will send it to the Superintendent Agra Jail, where a pamphlet will be prepared of all absconded criminals of the N. W. P. and circulated.

8. If these measures are unsuccessful, an unfavorable estimate will be formed of the administration of the Local Police.

9. The care of pending Missils and Registers to be made over to one Officer of Magistrate's Court.

10. The result of these measures to be specially noted in the annual Police Report.—*Govt. Order No.* 1416 *A*, *6th July* 1855, *N. W. P.*

Language in which the above papers to be drawn up.

2393. The district Hue and Cry sheet referred to in para. 6 of Govt. Res. No. 1416 A, dated 6th July 1855 need only be in the vernacular. According to Sec. 7 of the above Resolution, a pamphlet will be prepared in the early part of each year with entries for each division and all names and particulars should in this yearly pamphlet be stated in English, Urdoo and Hindee. It is only this yearly pamphlet which is to be circulated to all Magistrates and Commissioners.

The proclamations in regard to prisoners who have broken jail are to be kept distinct from those regarding proclaimed offenders and will be on yellow paper.—*G. O. N. W. P. No.* 3454, 20th *August* 1855.

SECTION VII.

OF LABOUR, AND EMPLOYMENT OF CONVICTS.

To be directed by Government.

2394. The Officers in direct charge of jails are to receive, through the Session Judges, from the Government all orders regarding the employment of convict labour.—*C. O. Govt. Beng. No.* 1072, *Oct.* 10th 1844, *para.* 3.

Duties of Magistrates in regard to employment of convicts.

2395. It is the bounden duty of the Magistrates to enforce the due execution of the sentences passed on criminals, to take care that the labour is judicially directed to objects of public benefits; and to prevent the periods of their confinement from being passed in ease and idleness.—*C. O. No.* 158 *of vol.* 1, 11*th Jany.* 1816.

Labour cannot be imposed unless it be mentioned in the sentence.

2396. Labour can form part of the punishment only when included in the sentence; and therefore a Magistrate has only to frame his sentences with or without it according to his own judgment.—*Res. N. A. No.* 292, *April* 3*rd*, 1846, *L. P.*

No alteration can be made in sentence.

2397. Three prisoners, sentenced to imprisonment without irons, and to labour inside the jail, petitioned to be allowed to work on the roads, and consented to wear fetters. It was held by the Nizamut Adawlut that the local Officers were not competent to make any alteration in the sentence passed on a prisoner.—*Con.* 1005.

Prisoners not to be employed in public offices.

2398. The practice of employing convicts in pulling punkhas, watering tattees and similar menial occupations in public offices, is objectionable, and must be discontinued. Punkha pullers hired in consequence of these orders may be charged for in a contingent Bill.—*C. O. Govt. Beng. No.* 1203, *July* 9*th* 1851.—*O. O. Insp. Prisons W. P. No.* 42, *Feby.* 24*th*, 1854.

Ratio of convict servants employed in the Jail to the total number of prisoners in custody.

2399. The establishment of convict servants in the jail for all purposes connected with its internal [illegible] is not to exceed ten per cent. of the whole number of prisoners in custody. The only exceptio[illegible] allowed is in the number of attendants in the hospital in times of epidemics, when the sick [illegible] care; and in such cases, a special application must be submitted showing the additional aid required, and the reason for it.—*C. O. Insp. Jails L. P. No.* 86, *Feby.* 22*nd*, 1860.

Convicts to be employed on repair of Jail.

2400 In all cases of repairs, alterations, or improvements made in the jails, convict labour is to be used whenever practicable, in preference to free labour; and in preparing estimates, the cost of each is to be noted.—*C. O. Insp. Jails L. P. No.* 16, *Nov.* 8*th*, 1854.

Control over convicts may be vested in executive officer.

2401. It is competent to Government to vest Superintendents of roads and other public works, and their Assistants, who have the direction of the labour of convicts, with such powers as may from time to time be deemed necessary, to enable them to exert an efficient control over the convicts and the guards employed with them.—*Reg. IV.* 1833.

Feeding &c of convicts in such case

2402 Convicts placed under charge of executive Officers are to be lodged and fed by them, but are to be supplied with clothing by the Magistrates in charge of the jails from which the convicts are detached.—*C. O. No.* 127 *of vol.* 3, 27*th Jany.* 1843, *L. P.*

Rule when convicts are required to be supplied from other districts

2403. Whenever it is necessary, under the orders of Government, to collect any number of convicts together for the execution of public works, and such convicts cannot be supplied from the sudder station of the district in which their services are required, the Superintendent of the Police is to make application to the Government stating the number of prisoners required, the work on which it is proposed that they should be employed, and the districts from which in his opinion they can be most conveniently supplied; and the Government is to determine on the expediency of the removal of the convicts, and to issue such instructions to the local Magistrates as are deemed proper.—*Reg. XVII.* 1816, *sec.* 18.

Special Reports to be made in such case.

2404. But Government is averse to the employment of parties of convicts at a distance from the sudder station excepting under very particular circumstances. When therefore the employment of such parties is of so much public use as to render it expedient to detach them, a report is to be made to Government.—*C. O. Sup. Police L. P. No.* 1, 6*th January* 1844.

Employment of prisoners beyond the limits of the Jail.

2405. The Government does not wish prisoners to be detached to work at a distance from the jail; as it is incompatible with proper prison discipline to keep the convicts in large gangs under native Superintendence at a distance from the Magistrate of the District. Improvement in prison discipline is an object of vast political importance, and far superior to the keeping up of roads, and does not appear that the health of the prisoners can be better preserved on the roads than in the jails.* The ferry fund committees cannot expect, in addition to the annual surplus funds, what would be equal to a further larger money assignment in the shape of convict labour. Government does not object for the present to the employment of as many gangs outside the jails as are absolutely required for repairing station roads, whence the convicts can return to be shut up at night; but the great body of the prisoners, specially those

* The average mortality of outdoor is probably not less than 30 per cent greater than that of indoor laboring prisoners.—*C. O. Inspector Jails L. P. No.* 51, 28*th Sept.* 1856.

sentenced for serious offences, are to be kept strictly employed within the premises, on remunerative work, if possible, but, at all events, employed. When this plan is once enforced, a great saving will be effected by discharging the whole or the greater portion of the ticca guards; and there is no doubt that energetic and persevering Magistrates will in time devise means for repairing station roads from the profits of convict labour without sending a single prisoner to work outside the walls.—*C. O. Sup. Police L.&P. No.* 766, *April* 2*nd*, 1844.

Out door labour prohibited.

2406. The system of out door labour is prohibited, except where it appears expedient on very strong grounds to retain it, for which the sanction of the Inspector must be obtained. Sufficient work-sheds have been ordered in all jails to employ the convicts, who are to be confined strictly within the walls. No prison is considered in a satisfactory state, in which a labouring prisoner does not net the actual cost of his maintenance. To obtain the result great care is necessary in the purchase of raw material, that it is bought in the cheapest market, and at such rates as will render the labour of the prisoners remunerative. All manufactures that are neither penal nor profitable must be strictly interdicted. The spinning of thread and similar light occupation should be restricted to women, children the old and the sickly. In no case, and on no pretence, should robust male prisoners, and particularly those who are heinous offenders, be employed in any such labour. All manufacturing prisoners should be put on task work, and a full tale exacted from each; which should never be less than is performed by a skilled labourer of the same class in the district. By proper management there is scarcely any kind of prison labour in which a convict may not be rendered proficient in six months.—*C. O. Inspector Jails L. P. November* 16*th*, 1859 *and* No. 5268, *March* 30*th*, 1860.

Care in purchase of materials that the price is such as to make labour remunerative.

Task work.

Debit of costs of work sheds.

2407. The cost of all buildings bonafide required for manufactures is to be charged in the jail manufacture accounts as raw material.—*C. O. Insp. Jails L. P. No.* 4871, *January* 29*th*, 1860.

Small gangs of prisoners not to be employed in places of populous resort.

2408. The practice of employing small gangs of prisoners in places of populous resort, unless the express sanction of Government is previously obtained is prohibited. Hitherto it has been customary to send small parties of 5 or 10 convicts into the crowded streets of cities, wherever the services of free laborers happened to be required. The number of burkundazes in charge of a gang of this strength being never more than two, it is obvious that no attempt to prevent communication between the prisoners and individuals in the surrounding crowd could be successful. The prohibition now issued is directed against the practice of allowing prisoners to work in situations which afford constant opportunities of communicating with passers by, unless the strength of the guard is sufficient for the prevention of this communication, and the nature of the locality such as to admit of its effectual enforcement. The prohibition must be considered to extend absolutely to the employment of convicts in a narrow street, or in any market place, while the market is being held; and also to the simultaneous employment of convict and free labour upon the same work. The introduction of a penal dietry has hitherto been productive of little effect in rendering the punishment of imprisonment more distasteful to those convicts, who are employed beyond the walls, in consequence of the facilities which are still afforded for obtaining prohibited indulgences. The strictest discipline, which is practicable, must be maintained among prisoners working on the road.—*C. O. Insp. Prisons W. P. No.* 62 *of* 1855.

Prisoners not to be employed in station garden.

2409. The employment of prisoners to clear away Jungle in the private premises at the station cannot be allowed. The Magistrate is at liberty however to employ prisoners in cutting down Jungle by the road side or in such other places as the Medical Officer may recommend. The Government is decidedly averse to the employment of prisoners in agriculture or horticulture of any kind, the latter of which especially must be an agreeable occupation to many convicts, and by none can be felt as a severe punishment. The convicts are not therefore to be employed in station (branch agrihorticultural) gardens.—*C. O. Govt. Bengal No.* 1528, *August* 6*th*, 1845.

Credit of produce of jail gardens.

2410. The cost of vegetables supplied to prisoners from the Jail garden is to be debited to the diet account, the value being calculated at the lowest rates at which similar substances can be purchased in the neighbouring markets. The amount thus realized is to be credited to the account of the proceeds of Jail manufactures.—*C. O. Insp. Jails L. P. No.* 83, *Dec.* 23*rd*, 1859.

Objects to be kept in view in the introduction of manufactures.

2411. In the introduction of Jail manufactures, Officers in charge of Jails should bear in mind 1st that the labor imposed be apportioned in fixed tasks, and be sufficiently severe to keep the prisoners actively employed throughout the day with necessary intervals for rest and meals :—2, that the labour be remunerative ; that is, when the labour of each prisoner employed in it gives a clear profit equal to or greater than the entire cost to the state of such prisoner and 3, that it be not repugnant to the caste and religious customs of the prisoners.—*C. O. Govt. Bengal No.* 525, *5th June* 1843.

Employment in various manufactures.

2412. Circular Order No. 240 of vol. 1, 8th Sept. 1820 contains an account of the measures pursued by a Magistrate for employing the convicts in various manufactures in a manner calculated to give them habits of industry, and to meet in some degree the expense attending their imprisonment.

In flour-mills.

2413. Circular Order No. 101 of vol. III. 25th January 1842 contains an account of the introduction of mills worked by convicts for the purpose of grinding atta for their own consumption, which system is recommended in.—C. O. No. 78 L. P. and 88 W. P. of vol. 3) as a valuable means of providing a good nutritious diet in the place of adulterated food, and as a good way of employing convicts within the jail, in districts in which any considerable number of the prisoners use such food.

In making paper.

2414. In Circular Order No. 114 of vol. III. 1st July 1832, L. P. is an account of the introduction of a paper manufactory into a Jail, and of the process employed in the manufacture. Care should be taken to render all paper manufactured in a Jail proof against the attacks of insects. Rice sizing should be prohibited, as it breeds worms. The admixture of arsenic is recommended. Blue vitriol, will keep away worms, but it makes the paper brittle.—*C. O. Govt. Beng. No.* 10, *April* 27*th*, 1854

White arsenic to be used in preference to the yellow in making paper.

2415. White arsenic should be used in the preparation of paper for the use of the Government Offices, as it is a more virulent poison than *hurtal*, and is therefore of more value in preserving the paper from the ravages of white ants and other insects. It acts as an irritant when brought in contact with abrasions of the skin, sores, and the mucus membrane ; but all bad effects are easily avoided by pounding it under water. Yellow arsenicated paper should be made for sale only when private customers are prejudiced infavor of it, and are not aware of its inferiority to that prepared with white arsenic.—*C. O. Insp. Jail L. P. No.* 48, *January* 12*th*, 1856.

Weavers to work on raised seats.

2416. All weavers, instead of sitting upon the ground with feet in holes excavated in the earth, are to be furnished with raised seats.—*C. O. Insp Jails L. P. No.* 31, *Dec.* 28*th*, 1833.

Convicts not to be employed in hawking manufactures for sale.

2417. The practice of sending out convict, for the purpose of selling articles of jail manufacture is highly irregular. Articles of each kind of manufacture are to be exposed for sale (under the supervision of the darogah) at some convenient place out side, but close to the jail ; and the Magistrate is to affix there, as well as at the sudder Thana, the cutcherees and other public places placards in the vernacular, indicating the different articles for sale and their price.—*C. O. Govt. Beng. No.* 1718, *April* 15*th*, 1853.

Long credits forbidden.

2418. Long credit is not to be allowed to purchasers of Jail produce. The accounts should be settled within the current month in which the sale is effected. Bad debts should be deducted from the percentage of the Jailor.—*C. O. Inspector Jails L. P. No.* 3313, *February* 11*th*, 1859.

Value of baskets made and used by convicts to be credited.

2419. When baskets are manufactured in jail, they should be accounted for in the manufacture accounts as any other articles of jail manufacture. If the baskets are used for public purposes, their estimated value should be credited as "value of articles consumed for public purpose," and the amount debited in the usual manner.—*C. O. Govt. Bengal No.* 13, *October* 18*th*, 1854.

Jail Darogahs commission on proceeds of manufactures.

2420. Officers in charge of jails (except Alipore jail) are authorized to pay to the Jail darogahs at the close of each official year a commission of 25 per cent on the profits of the manufacture carried on under their superintendence. Such payments are subject to the correction of the accountant to the Government of Bengal ; and the amount in each instance is to be reported to the Secretary to Government in the form below.* This commission is strictly limited to the proceeds of articles, actually sold, or to the bonafide value of those consumed for public purposes ; and articles remaining in store at the close of the year are not to be included in the calculation. The Magistrate is to obtain the sanction of Government before expending the balance of 75 per cent on objects of local utility.—*C. O. Govt. Bengal No.* 1058, *May* 20*th*, 1846, *and No.* 1155, *June* 30*th*, 1851.

* Part I. Statement of out-turn of manufactures in the Jail of during the year.

	Carpets.	Blankets.	Cloth.	Paper.						Total
Receipts on account of Products sold										
Value of ditto consumed for public purposes ..										
Total receipts....										
Add value of articles in store at the close of the year.....										
Grand Total..										
Deduct value of articles in store at the close of the preceding year ..										
Gross receipts on account of current year										
Charges incurred during the current year....										
Excess of receipts.....										
Excess of charges.....										

Part II. Abstract of Prisoners' annual cost

1	Annual Expenditure on account of								
	2	3	4	5	6	7	8	9	10
Daily average of criminal Prisoners of all classes in Jail and Hospital.	Rations.	Money allowance.	Clothing.	Fixed Establishment.	Extra Guards.	Hospital charges.	Contingencies.	Total cost.	Annual cost of each prisoner.

Part III. Abstract of Prisoners' employment during the year and of their earnings

Daily average of Prisoners.								Net Profits on account of Prisoners.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Total sentenced to labour.	Inefficient from age or disease.	Employed as jail servants.	Working on Roads.	Miscellaneous works.	Hired by Department of Public works.	Hired by any other Department.	Employed in manufactures.	In column 6.		In column 7.		In column 8.		Total receipts as per columns 9, 11 and 13.	Annual average earning of each Prisoner in column 1.
								Total.	Annual average of each Prisoner.	Total.	Annual average of each Prisoner.	Total.	Annual average of each Prisoner.		

Resolution Govt. Bengal, 29th January 1851, *and C. O. Govt. Bengal No.* 1485, *Aug. 9th,* 1851.

2421. No commission is allowed to Jail Darogahs upon amounts received from Executive or any other public Officers on account of labour of convicts hired out to them.—*C. O. Govt. Beng. No.* 1177, *June* 30, 1851.

Cost of extra establishments.

2422. The cost of any extra Establishments, required to keep the accounts of Jail manufactures, is to be defrayed by the Darogah out of his percentage.—*C. O. Govt. Bengal No.* 1902, *Oct.* 30*th*, 1851.

Application of profits of manufactures.

2423. The Jail manufacture funds are to be expended in the conservancy and improvement of the sudder station and not on works in the interior of a district, for which the Ferry Funds are available. —*C. O. Govt. Bengal No.* 1, *Aug.* 11*th*, 1853.

Sanction for expenditure of sums from convict labour fund.

2424. All applications for the expenditure of sums from convict labour funds are to be made by Magistrates to the Commissioners, who will withhold or award their sanction in each case, according to their own discretion, provided it is not on account of a new work, the estimated expence of which exceeds 1000 Rupees. In such cases it will be necessary for the Commissioner to obtain the previous sanction of Government. Annual statements are to be furnished to Government in the forms annexed. —*C. O. Govt. Bengal No.* 54, *July* 23*rd*, 1857; *May* 26th, 1859; *and No* 77, *Nov.* 12*th*, 1859.

2425. Annual statement showing the state of the convict Labour Fund in the District of —— and the works of local utility executed from the same, during the year 18

Name of the District.	Balance at the credit of the fund on the last day of the preceding year.	Allotment of jail manufacture profits for 186 6 .	Amount realized from the hire of convicts to public Department &c. during the year.	Total amount available for expenditure during the year.	Amount expended during the year.	Balance in hand in the close of the year.	Explanation of expenditure.

This statement is to be submitted to Government by the Commissioner of Circuit.—*C. O. Government Bengal No.* 54, *July* 23*rd*, 1857; *May* 26*th*, 1859 *and No.* 77, *Nov.* 12*th*, 1859.

2426. Sketch Estimate of the requirements from Convict Labour Fund for Municipal Works proposed to be undertaken in the ——— District during the year 1859-60 from 1st May 1859 to 30th April 1860.

Name of the Districts.	Return of works commenced which remain to be completed in 1859-60 with estimated cost of each.			New works to be undertaken in 1859-60 with estimated cost of each.			TOTAL.		Grand Total cost of works and Establishment.	Remarks by the committee or Magistrate.	Remarks by Commissioner on each	General Remarks by the Commissioner.
	Works.	Length in miles of roads, canals, &c	Cost.	Works.	Length in miles of roads, canals, &c.	Cost.	Cost of works.	Cost of establishment proposed.				

In submitting Sketch estimates of Ferry Fund works, Commissioners are required to furnish at the same time estimates for the repair of Station roads, inclusive of a small "lump" sum, which may be sufficient to meet any ordinary contingency which might occur without involving a special application to Government, for which assignments will be made from the convict labour funds. The principle of assignment will be that of giving each district either the whole or a large portion of the funds obtained from it as circumstances may require.—*C. O. Govt. Bengal, No.* 77, *November* 12*th*, 1859.

2427. In all cases, in which prisoners sentenced to labour are transferred from the sub-divisions to the Station Jail, a proportion of the realized profits of the manufactures carried on in the Jail is to be assigned to the sub-division, calculated according to the proportion which the labouring prisoners received from the sub-division may bear to the total number of labouring prisoners in the Station Jail.—*Cir. Ord. Insp. Jail L. P. No.* 40, *April* 23*rd*, 1856.

Proportion a te share of profits to be assigned to sub-divisions.

2428. The Magistrates are authorized, when they deem it advisable, to allow to each prisoner, as an incitement of industry, one half of the monthly produce of his monthly labour, over and above all allowances he would otherwise receive.*—*C. O. No.* 252 *of vol.* 1, 27*th April* 1822.

One half of produce of labor may be allowed to prisoners.

2429. Quarterly returns are to be furnished to Government showing in detail the manner in which all convicts not engaged in manufactures have been employed, and the estimated value of their labour, in the annexed form.† The value of the prisoners' labour is to be estimated with reference to the rate at which each description of labour is remunerated in the district.—*C. O. Govt. Beng. No.* 155, *Jany.* 20*th* 1852 *and No.* 2, *Sept.* 6*th*, 1853.

Quarterly Returns.

2430. The proportion of one burkundaz to every 5 prisoners should never be exceeded. When there are less than 5 prisoners in excess of the number allotted to work on the roads, the supernumeraries should be employed in some way within the jail, as the cost of a burkundaz for any smaller number than five is much greater than the value of their labour. For prisoners employed in manufacture near and within the jails, one in 10 is the maximum to be allowed.—*C. O. Insp. Jail L. P. No.* 76, 20*th January* 1858.

Proportion of Burkundazes to prisoners.

* It would seem that this rule has been virtually repealed.

† Statement showing the employment of non-manufacturing prisoners in the Jail of and the estimated value of their labour for the Quarter of

1	2	3	4	5							
Aggregate of the daily total number of labouring prisoners.	Aggregate of the daily total number employed in manufactures.	Aggregate of the daily total number not employed in manufactures.	Aggregate of the daily total number exempted from labour on account of sickness and holidays.	Employment of Prisoner entered in column 3 and the estimated value of their labour.							
				Description of work.	No. of Prisoners.	Daily rate per prisoner.			Value of labour.		
						Rs.	A.	P	Rs	A	P.
				Repairing roads.							
				Digging tanks.							
				Cleaning the Station.							
				Attending Hospital.							
				Employed as jail servants							
				Ditto as cooks							
				Ditto as							
				Ditto as							
				Total							
				Average earning of each prisoner.							

N. B. The number entered in each of these columns is to be the aggregate sum formed by adding together the totals of each day during the quarter.

Whenever the value of the labour of Prisoners employed as jail servants is not uniform, there should be separate entries for the different rates as *e. g.*

Employed as jail servants.
Cooks @ 2 annas.
Other servants at 1 anna and so on.

The value of the Prisoners' labour is to be estimated with reference to the rate at which each description of labour is remunerated in the District.

Theeka Burkundazes not be employed on duties of permanent establishment.

2431. On sundays and non-working days theeka establishment must not be employed in any other duties connected with the jail, nor must they on any account be allowed to discharge the functions of the permanent establishment.—*Ibid.*

Labour to be suited to the strength of the convicts.

2432. Labour is to be exacted with due discrimination in regard to the seasons of the year and to the strength of the convicts. It is to be moderated or entirely remitted during an unusual degree of sickness. One hour's rest from labour is to be allowed in the middle of the day. On the first symptoms of illness of the convict during working hours, he should be sent immediately to the hospital. A convalescent period is to be allowed at the discretion of the medical officer, to all convicts discharged from hospital some lighter labour than working on the roads should be devised for prisoners sixty years of age and upwards. Frequent inspection of the prisoners is to be made by the Medical Officer previous to their leaving jail, with a view of detecting prisoners labouring under illness, and of pointing out those incapable of much bodily exertion.—*C. O. No.* 145 *of vol.* 3, *6th Oct.* 1843, *L. P.*

Regulation of labour during times of great sickness.

2433. In the event of great sickness occuring, all sedantary occupations, and those in which there is much dabbling in water, as paper making, should be intermitted, and the prisoners employed as much as possible, in the open air and in such active works, as without overtaking their strength, will keep their mind and their bodies occupied, and consequently out of mischief. It is a mistake to suppose that all work should cease upon the out-break of disease. Nothing would be more calculated to encourage despondency, and the depressing agencies which are invariably so injurious in such cases.—*C. O. Insp. Jails, L. P. No.* 30, *Dec* 26*th*, 1855.

Specially Gang to be constituted for infirm and convalescent prisoners

2434. With a view of better adopting labour to the physical power of the prisoners by separating the weak from the able bodied, an infirm and convalescent gang is to be constituted, consisting 1 of those prisoners who from age or bodily infirmity are physically unable to perform hard labour, who will be permanent Members of the gang :—2 of those who are suffering from temporary debility, not amounting to disease which requires admission in to hospital :—3 of those who have been discharged from hospital as convalescent, and are unable for some days to perform hard labour. These prisoners are not to be excused *all labour* some light work should be apportioned to them, suited to their strength, within the precincts of the jail. A register should be kept of such prisoners in the following form :—

Register No. of Prisoner.	Name of Prisoner.	Date of Admission.	How long to remain.	Date of Discharge.	Order of Civil Surgeon or Magistrate.

and none should be placed in or discharged from this gang, without the special order and signature of the Magistrate, or under the direction of the Civil Surgeon.—*C. O. Insp. prisons W. P. No.* 5, *July*, 1*st*, 1847.

Meridian intermission of labour.

Labour to be fitted to physical strength.

2435. The attention of the Magistrate is particularly urged to the practice of meridian intermission of labour, of longer or shorter duration according to the season of the year; and to the system of classifying prisoners according to physical strength, a distinction being maintained between the kind of work assigned to the weak and aged, and that given to the robust. These precautions are closely connected with the internal economy and discipline of the jails, and well calculated to promote the health of those confined within their precincts. The Magistrates are expected to communicate freely with the Medical Officers in charge of jails on these points, and to exercise a sound discretion in allowing a cessation from labour during the heat of the day, and in proportioning the amount and description of labour to the physical ability of those from whom it is exacted.—*C. O. No.* 168 *of vol.* 3, 21*st May* 1844, *W. P.*

Prisoners not to be employed on Sundays; and native holidays may be allowed.

2436. Except on urgent occasions, when the convicts engaged in the execution of any particular work cannot be dispensed with, they are not to be employed on Sundays; and at all events, a part of every Sunday is invariably to be allowed to them and to their guards for the purpose of cleanliness. The Magistrates are at the same time to be careful that this indulgence is not abused by any misbehaviour, and are to adopt such measures as appear best calculated to secure the due attainment of the object intended. It is also at the discretion of the Magistrate to authorize an intermission of labour at the principal Mahomeden and Hindoo festivals, as far as appears indispensibly necessary to enable the convicts

to perform their religious ceremonies respectively, but not to any further extent than may be requisite for this purpose.—*C O. No.* 183 *of vol.* 1, *30th April*, 1817.

Rules for extending the sale of prison manufactures.

2437. For some time past lithographic presses have been established in the Central Prisons of Meerut, Agra, Barielly, Allahabad, and Benares; and specimens of the work which have been forwarded to Government show that it is executed with neatness and clearness. It has also been brought to the notice of the Government, that in all the central and in most of the District Prisons country paper, cloth and other articles, commonly required for use in public offices are manufactured and can be supplied, of a quality quite equal if not superior to that of the like articles procurable in the market, and at rates of cost, not higher than those charged elsewhere. The Lieutenant Governor is anxious to extend prison manufactures in the largest degree practicable, as well for the purpose of providing adequate intermural labour for the convicts, as for that of recovering, by the sale of the goods so manufactured, some portion, at least, of the funds, which are annually expended in the maintenance of the prisons in these Provinces. All public officers under this Government are accordingly invited to give their aid in carrying out its wishes, as above expressed, still continuing, as heretofore, to indent upon the Government Press for forms of periodical returns &c. prescribed by the Sudder Court, and the Subder Board of Revenue for submission to themselves or to the Government, such Officers may very conveniently employ the Presses of the central Prisons in lithographing papers, and forms, whether in the vernacular or in English, which are required only for local or temporary purposes. There are many such, as every public officer must know and they need not be specified. In like manner it is in the power of all public Officers to assist in developing the system of intra-mural labour, which has been introduced in the prisons of these Provinces, and in economizing Prison expenditure, by purchasing from the prisons the country paper, the cloth for Bustahs, and other articles commonly required in public Offices. And provided, that these can be supplied from the Prisons of a quality sufficiently good, and at moderate cost, the Lieutenant-Governor would wish all offices, under this Government so to procure them. The purpose of this notification, it will be observed, is not to lay an injunction on public officers in these Provinces but merely to make known to them that certain work can be done, and certain necessary articles can be supplied by the prisons in these provinces,and that their co-operation, in the manner above suggested, will assist the endeavour of the Government to establish an effective and economical system of prison management. All officers in charge of Prisons will be directed to keep open for inspection specimens of their lithograpic work, and of the country paper cloth &c., which are manufactured by convict labour under their direction.—*Govt. Ord. No.* 1202 *A*, *3rd May*, 1862.

Rules for conducting manufacturing operations by convict labour.

2438. The following rules for the guidance of all officers in charge of Jails in conducting manufacturing operations by convict labour are promulgated with the sanction of the Hon'ble the Lieutent-Governor in supercession of those published with the circular of the Accountant North Western Provinces, No. 248, dated 26th March 1849.—*C. O. Inspector prisons N. W. P. No.* 1129, *26th June*, 1854.

500 Rs. to be retained as capital.

2439. Every Magistrate or Officer in charge of a Jail in which manufactures are carried on is hereby authorized to retain the sum of Rs. 500 as a capital upon which his operations are to be conducted.—*Ibid, rule* 1.

Above sum to be placed at disposal of Officer in charge of Jail on his applying to Inspector of Prisons.

2440. On receiving an application from any Magistrate or Officer in charge of a Jail to the effect that he is desirous of employing the Prisoners of his Jail in industrial occupations, the Inspector General of Prisons will place at his disposal the sum of Rs. 500 which will be retained in the Magistrate's Deposit Account under the "Capital Fund Jail Manufactures."—*Ibid, rule* 2.

Advances for purchase of raw materials, &c., to be paid out of this.

2441. From this capital of Rs. 500, all advances for the purchases of raw materials and other incidental expenses of manufacturing processes will be paid, and all receipts for goods sold will be carried to the credit of the capital Fund.—*Ibid, rule* 3.

Advances not to be given from inefficient balance.

2442. Under no circumstances are advances to be given from the inefficient Balance of the Magistrate or Collector. When advances are required to purchase raw materials, they will be entered as charge on the capital previously received or accumulated on account of Jail manufactures and not recovered as advances, but in the form of price of manufactured goods.—*Ibid, rule* 4.

Amount of advance.

2443. The only check on these advances for *bonafide* manufactures must be that no advances for any manufactures shall exceed half the proceeds of that manufacture for the previous year . for instance, the proceeds of cloth were during last year Rs. 100, Rs. 50 may therefore be allowed as an advance and charged as such.

Statements.

2444. The statements to be kept up are four in number *headed* as follows according to the accompanying forms.

1st. Tabular statement of Raw materials received and expended in manufactures.

2nd. Balance statement of manufactured goods produced, and expended, remaining in stores.

3rd. Monthly cash account of manufactures carried on.

4th. Account current of the Darogah with the treasury.—*Ibid, rule* 6.

Jail manufacturing Accounts

2445. The Jail manufacturing accounts will be prepared and submitted in the following manner.

MONTHLY ACCOUNTS.

Will be prepared in Ordoo by the Darogah and submitted under his signature to the officer in charge of the Jail as soon after the close of the month to which they refer as possible.

Monthly count.

These accounts will exhibit the receipt, expenditure, and balance in hand, both of stock and cash. Statement No. 4 will bear the joint signature of the Darogah and treasurer.

On passing them the Magistrate will issue the requisite warrants for purchase of raw materials and payment of the Grant for educational purposes in those Jails in which it has been authorized.—*Ibid, rule* 7.

Quarterly Account.

2446. The Quarterly account will be prepared in Oordoo by the Darogah and translated into English by the Head Clerk of the Magistrate's Office or other Officer to whom the duty may be entrusted.

Both the Oordoo and English statements will bear the joint signature of the Darogah and Clerk.

They will be submitted to the Officer in charge of the Jail or on before the 15th day of the months of January, April, July, and October.

In order to test accuracy of the entries in statements 1 and 2, stock will be taken by an officer specially nominated by the Magistrate who will certify the result of his investigation at the foot of each statement and under his signature.

A copy of this statement will at once be submitted to the Inspector General of Prisons.

On the profits exhibited in the quarterly statements, the Magistrate will be authorized to disburse ten per cent in payment of commission to the Jail Officers by whose exertions the manufactures have been carried on, and two and a half per cent to the Clerk (not being a salaried servant on the Jail establishment) by whom the English accounts are kept.—*Ibid, rule* 8.

Commission to be deducted from price of clothing supplied to prisoners.

2447. As all clothing manufactured in the Jail and distributed to the prisoners is charged to the Government at the cost of raw materials as laid down in the 2nd rule which accompanied the Circular of the Account, North Western Provinces, No. 248 of 1848 49. Magistrates are authorized to calculate the market value of the clothing supplied to the prisoners from the Jail work shops and to charge commission at the authorized rates thereon as if the clothing had been sold to private parties.

The mode in which the distribution of the commission has been made will be exhibited in the expenditure of the succeeding quarter.

After the adjustment of the quarterly accounts all surplus cash in hand in excess of the authorized capital of Rs. 500 is to be paid into the collector's hands who will grant a receipt and credit the amount in the Judicial Department under the head of "proceeds of convict labour subordinate to Judicial charges General."—*Ibid, rule* 9.

Vouchers.

2448. To support his charges in statement 1, the Darogah must file vouchers which will be signed and kept with the vernacular copies of the statement. Whenever this kind of expenditure exceeds that of the last month, it must be explained. In each Jail after a few months an average must be struck and this will serve as a general guide.—*Ibid, rule* 10.

2449. At the foot of statement 4, should be a detail of such advances by which the Inspector General would at once see whether advances had been made beyond the prescribed limit. Explanation must then be given as it may possibly arise from enlarged manufactures for which measure special sanction should be solicited.—*Ibid, rule* 11.

Detail of advances to be given at foot of Statement, No. 4.

2450. When new buildings for work shop are required, the Inspector General's sanction should be required and the amount in deposit shown. When sanctioned the amount should be charged quoting the letter of sanction. When the disbursement exceeds the amount in deposit, sanction of Government must be required as the surplus of former years will by rule 1X have been credited in the public accounts. —*Ibid, rule* 12.

New buildings for workshops.

2451. Convicts under sentence of imprisonment for life in the Allipore Jail, are not to be sent to work on the roads while they remain in the Zillahs ; but are to be kept in strict custody in the jails, until they are removed to the place of their ultimate destination.—*O. O. No.* 117 *vol.* 2, 24*th August*, 1832.

ALLIPORE JAIL. Persons sentenced to imprisonment in, not to be worked on the roads before removal to.

2452. Persons sentenced to imprisonment for life in Allipore Jail are on no account to be permitted to quit the area attached to the Jail, except in cases in which sickness or accidents require that they should be taken to the hospital attached to the jail, and they are to be uniformly relodged within the Jail whenever their health admits.—*Reg. XIV.* 1811, *sec.* 2, *cl.* 3.

Persons imprisoned for life not to leave the jail.

2453. Persons sentenced to imprisonment for life in the Allipore Jail are to be employed in the manufacture of articles for which a constant demand exists at the Presidency, or in such other labour as the superintendent of the jail directs, subject to any instructions with which he may be at any time furnished by Government.—*Ibid, cl.* 4.

Such convicts are to be employed in manufactures therein.

2454. But the superintendent may employ convicts sentenced to imprisonment for life in that jail, and subject to hard labour, in the repair of the public roads, or in other public works beyond the area of the jail. He is to be careful to exercise this authority with due regard to the character and circumstances of the convicts, and to adopt suitable precautions to guard against their escape.—*Reg. IV* 1823, *sec.* 7.

But the Supt. may employ them on the road

SECTION VIII.

OF EDUCATION OF PRISONERS.

2455. A system of imparting the elements of sound education to convicts under sentence of imprisonment, was introduced under the orders of Government uniformly into all the jails of the Western Provinces under the following rules. The primary object of punishment is to deter from the commission of offences by the infliction of a penalty, which may prove so highly distasteful as to operate more forcibly than the temptation to crime ; but, if in addition to this sense of fear, and without lessening its effect upon the community at large, any change can be wrought in the moral constitution of the offender, which may place him beyond the future influence of those inducements to crime, to which he previously yielded the aim of the penal system will be most completely attained. The annexed scheme framed by the Visitor General of Schools contains a course of study adapted to each class of the prisoners. Under it the agriculturist, who has committed no offence involving a degree of moral turpitude, but has been sentenced to imprisoment for participation in party frays, is to receive the education which will confer the greatest amount of advantage after his release. The felon, on the other hand, after being sufficiently grounded in the elements to enable him to learn after release whatever may be most useful to him, will thenceforth, during his confinement, be restricted to the perusal of treaties, which will, it is to be hoped, tend to convince him of the advantages which are attained by refraining from offences injurious to society, and by obeying those laws which conduce to the general welfare. A special provision is, however, also made for giving suitable instruction to agricultural prisoners who may be placed in this classification, as not being entitled to admission into class 1st., alluded to above. In those jails in which life prisoners are confined, the restrictions to the acquisition of knowledge may be greatly relaxed in their favour. These

Education of prisoners furthers the object of imprisonment.

Course of study prescribed for agriculturists.

And life Prisoners.

men have in every case been convicted of the most heinous offences, and are dead to society but much may be done in the improvement of their moral sense to render them well conducted and useful inmates of the prison, within which their future lives are to be passed.

Education is not to involve any relaxation of sentence.

The method by which the education is to be imparted does not contemplate the relaxation of any part of the sentence passed upon the Criminal, which is, on the contrary, strictly to be refrained from, but merely the employment of that portion of his time, which is not occupied in hard labour, in the acquisition of knowledge which will prove a source of future and permanent benefit to himself. The first object in introducing the system is to provide the necessary instructors. It is probable that monitors capable of teaching reading and writing will be found among prisoners who have been sentenced for affrays or other crimes involving no moral turpitude The mode of teaching should be by assigning to each monitor a class of suitable size ; and the elements of reading, writing, and Arithmetic will be best communicated by the use of the large alphabetical and multiplication Tables, which on application are provided by the central prison at Agra. It is absolutely necessary to the uniformity now sought to be introduced, that no books be admitted for educational purposes into the jail which are not found in the annexed tabular statement ; and that constant attention be directed to the restriction of the use of the books, which are sanctioned, to the particular class of convicts for which they are designed. These books are furnished on application being made to the curator of Government School Books at Agra, and should be indented for in Hindee or Oordoo in accordance with the prevalence of either language as the vernacular dialect of the District. The cost of books, alphabetical and multiplication tables, writing materials, &c. and, when necessary, the pay of instructors is to be defrayed from the proceeds of convict labour, from which source Officers in charge of jails are authorized to expend 5 Rupees per mensem for every hundred prisoners under instruction.

Instructors and monitors

Alphabetical and multiplication tables.

Uniformity absolutely required.

Books.

Expence to be defrayed from proceeds of jail manufactures.

Course of Study for Jail Schools.

HINDEE

	1st Class.	2nd Class.	3rd Class.	4th Class.	Remarks.
I	Akshara Dipikuh (Primer) Bidyarathi ki Pratham Poostuk P. P. 10, 13, 20, 33, multiplication table (up to 16)	Gunit Prakash Part 1 (Arithmetic) Kisanopdesh (advice to cultivators) Surajpoor ki Kahance (a village tale.	Patra malika (letter writing) Kshetra Chandrika Part 1 (Mensuration,) petnarees manual, map of the District (his own) and of Hindoostan Gouthan Sittla (a tale on vaccination.)	Kshetra Chandrika Part II, Gramyakalpadrum (explanation of village institutions, accounts, &c.) Shuddhi durpun (on cleanliness); Khagolssar (solar system) treaties on cholera.	This course is for the instruction of prisoners, who have been imprisoned for offences which are not ignominious.
II	Ditto.	Gunit Prukash Part II Dharm sing ka vrittant (a moral tale) Buddhiphalodaya (do).	Patra Malika (letter writing) Gyanchalisi bibaran (moral coupleta with commentary) Sataya Niru pan (on truth) map of the district (his own) and Hindoostan; Gouthan Sittla	Sikha Manjare (self improvement) shuddhidarpan, treaties on cholera, Khagolsar.	This course is for the use of all other term prisoners. Any agriculturists who may be found in this division may be permitted to learn the treaties on mensuration, the putwaries manual, the explanation of village institutions, accounts and the map of his own district, on being promoted to the 3rd class.
III	Ditto. Minus multiplication table.	Dharm Singka brittant Buddhi phalodaya.	Gyan chalisi bibaran, Satya Nirupan.	Ditto ditto and in addition when the above are finished Ishwarta Nidarshan (natural theology.)	This course is for life prisoners.

URDOO.

	1st Class.	2nd Class.	3rd Class.	4th Class.	Remarks.
1	Tashil uttalim Primer; multiplication table (up to 16).	Mubadioolhis sab (arithametic) Part 1, Pandnamah Kashtkaran (advice to cultivators) Kissa Surajpoor.	Inshai Khirodafroz Misbahul Masahut (mensuration) Part I map of tho district and Hindustan, Put warees manual, Gowthan Sittla.	Misba hul Massahut Part II Kitab Halat-i-dehi (explanation of village institutions accounts, &c.) Kholosa Nizamshamsi (solar system) Talimul nafs self improvement treatise on cholera.	As above in Class I.
II	Ditto.	Mabadiul Hissab Part I Kissai Dharm Sing Kissa Subuddhi.	Inshai Khirad afroz, Talimul nafs, map of district, Gouthan Sittla.	Kholasah-i-nizam shamsi, Khyalatus samaya; Muzhare Kodrut; treaties on cholera.	As above in Class II.
III	Ditto. Minus multiplication table.	Kissah Dharm Sing, Kissahi Sooboodhi.	Talimulnafs.	Khyalatus-samaya Muzhari Kudrat.	As above in Class III.

C. O. Iqsp. Prisons W. P. No. 56, July 11th, 1854.

2456. Magistrates are required as soon after the close of the calendar year as possible to fill up and return to the Inspector of Prisons the subjoined statements which are intended to exhibit the extent to which convicts have received instruction, and the proportion of prisoners who have previously been convicted.

Statement showing the degree and extent of education among the convicts of the district on the 31st December 186

1	2	3	4	5	6	7	8	9
						Number of those who have learned since their conviction.		
Name of district.	Number of convicts.	Number of those who can read and write.	Number of those who can read only.	No. of those who can write only.	Number of those who can neither read nor write.	To read.	To write.	To read and write.

A. B.

Magistrate.

Statement showing the number of prisoners in the district who have been previously convicted

1	2	3	4	5	6
Name of district.	Number of prisoners.	Never before convicted.	Once convicted	Twice convicted.	Frequently convicted.

(Sd) A. B.

C. O. Inspector prisons W. P. No. 69 *of* 1855. *Magistrate.*

SECTION IX.

OF JAIL OFFICERS.

Magistrate may appoint and remove officers.

2457. The Magistrate is empowered to appoint fit persons to the situations of Jailor and other subordinate officers of the criminal Jail, and to remove such offiers for misconduct, in capacity or other sufficient cause, without refenence to other authority.—*Regulation* XVII 1816, *sec.* 7, *cl.* 2.

Of both civil and criminal jails.

2458. As the Magistrate is responsible for the safe custody of the Dewany as well as the Fouzdaree prirsoners, the appointment and removal of native officers attached to both jails is vested exclusively in him—*Cons. No.* 422.

Grounds of removal to be recorded and proper persons selected.

2459. The Magistrate is to record upon his proceedings the grounds upon which any such Officers are removed by him; and select proper persons to fill all vacancies in the situations of such Officers; and to continue in office the persons appointed, whether by himself or by his predecessors, whilst they discharge the duties assigned to them with diligence and integrity.—*Regulation XVII* 1816, *sec.* 7, *cl.* 3.

Report of appointment to be made to judge

2460. The Magistrate is to report to the Session Judge whenever he appoints a jailor, specifying his name, age, past employments, character, and qualifications.—*Ibid, cl.* 4.

Darogah to give security

2461. Security should be taken from jail darogahs according to the amount or value of the money or property that may be entrusted to them. The rules laid down for taking security from treasurer or nazirs are to be observed; but the annual report of the revision of the security is to be forwarded to Government.—*C. O. Government Bengal, No.* 1121, *Sep* 10, 1850.

Officers dismised may petition the Judge.

2462. In the event of a jailor deeming himself aggrieved by any order passed by a Magistrate with respect to his dismission from office, he is at liberty to present a petition to the Session Judge, settingforth the circumstances of his case and grounds of complaint.—*Regulation XVII* 1816, *sec.* 7, *cl.* 5.

Who is to call for proceedings, if he thinks proper.

2463. On the perusal of such petition the judge may, if he deems proper, require the Magistrate to submit the proceedings holden on the case for his inspection accompanied by any explanation in the English language, which he is desirous to offer.—*Ibid, cl.* 6.

No appeal lies of right to Judge or other authority in the N. W. P.

2464. The control of jail establishments being by Act XVIII. 1844, vested exclusively in the Government, the dismissal or suspension of any person holding an office in the jail establishment by the Magistrate has been declared final in the Western Provinces; and no appeal lies of right to the

Session Judge or any other authority. If the Inspector of Prisons however or the Government see cause for interference, the Magistrate's sentence will be liable to revision.—*Government Order W. P. No.* 3824, *Sept.* 21, 1853.

Orders of Magistrate final, but Judge may submit proceedings to Government.

2465. Orders of Magistrates for the dismissal of Officers of the jail establishment are final; but if, after consideration of the papers furnished, the session judge is of opinion that the powers, vested in the Magistrate by these provisions, have been perverted, he is to submit the proceedings to Government.—*Regulation XVII* 1816, *sec.* 7, *cl.* 7, *C. O. Government Bengal, No.* 1072, *October* 10, 1844, *para* 8.

Inspector to exercise supervision over orders of Magistrates regarding officers.

2466. The Inspector of Jails is to exercise a complete power of revision over all orders passed by the Magistrate regarding the appointments, punishment and removal of all officers on their jail establishments. —*C. O. Government Bengal, No.* 49, *May* 5, 1857.

Reports of all orders to be sent to Inspector.

2467. Under this rule the Magistrate is to report to the Inspector, all orders which he may pass in the selection, punishment or removal of jailors, Naib Darogahs, Mohurrirs, Jamadars, and Duffadars. The removal of Burkundazes should be reported in the ordinary form of convictions, but if the Burkundaz petitions against the sentence, the petition should be accompanied by the briefest possible statement of the grounds for the punishment inflected.—*C. O. Insp. Jails L. P. No.* 92, *May* 2, 1859.

2468. This rule does not vest the Inspector with any power to interfere with the judicial order of a Magistrate sentencing a Jail Officer on conviction of a distinct misdemeanor. In these cases the appeal lies to the Session Judge, but in matters of Jail discipline to the Inspector. Opinion of Legal Remembrancer in *O. O.—Insp. Jails. L. P. No.* 81, *June* 24, 1859.

Session Judge or Nizamut Adawlut may order dismissal in certain cases.

2469. The above provisions do not preclude the Session Judge or the Nizamut Adawlut from ordering the removal of any Jail Officer who is convicted of a criminal offence declared punishable by dismission from office, or, though not so expressly declared, if the conduct of such native Officer appears, from any proceeding before the Session Court or the Nizamut Adawlut to be such as to require his removal from the public situation held by him.—*Reg. XVII* 1816, *sec.* 7, *cl.* 8.

2470. Report is always to be made to the Inspector when temporary establishment, which has been sanctioned for an indefinate period is discontinued.—*C. O. Insp. Jails L P No* 49 *June* 24*th*, 1856.

Pension.

2471. Jailors are included in the list of public servants entitled, under the existing pension rules, to a superannuation pension.—*C. O.* 179 *of vol* 3, 13*th Sept.* 1844.

Travelling allowance of Burkundaz.

2472. Jail Burkundazes when sent in charge of prisoners to districts other than that in which they are employed, are to receive travelling allowance at the rate of three tenths of their salary.—*C. O. Government Bengal, No.* 1307, *July* 4, 1853.

Applications for leave of absence from medical officer in charge of jail.

2473. Whenever a Magistrate has occasion to submit an application for leave of absence from a Medical Officer in charge of the Jail or Station, he is at the same time to report what arrangements it is proposed to make for the charge of the medical duties during his absence, and whether he considers those arrangements sufficient.—*C. O. Government Bengal, No.* 5, *Nov.* 10, 1853.

Rules for granting leave of absence to native Doctors.

2474. Every Magistrate is empowered, on the recommendation of the Civil Surgeon, and without reference to Government to grant leave of absence to any native Doctor, attached to a station or sub-division subordinate to him, for any period not exceeding six months on private affairs, and exceeding one year on account of sickness duly certified. Application for leave of absence is to be made by the native Doctor to the Civil Surgeon of the District, who, if he thinks proper may refuse the application. If, on the other hand, the Civil Surgeon is of opinion that the leave, or any part of it, should be granted, he will forward it to the Magistrate of the district, enclosed in a letter from himself, stating the cause of the application and the grounds of his recommendation. The Magistrate may refuse to give leave on private affairs, if it cannot be granted without public inconvenience. Leave granted by a Magistrate under this rule is to be reported to the Superintending Surgeon of the division. A native Doctor absent from his station on leave, from whatever cause, shall suffer, during the period of his absence, a deduction of so much of his salary, not being less than one half as may be requisite to procure the services of an efficient substitute. If the

absence of a native Doctor require that provision should be made for the discharge of his duty during his absence, or if a vacancy occur in any other way, the Magistrate is to apply to the Superintending Surgeon for the appointment of a person to fill the situation either temporarily or permanently as the case may be ; and the Superintending Surgeon, or, if necessary, the Medical Board, is hereby authorized to comply with such application.—*Government Bengal No.* 47, *Dec.* 15*th*, 1852.

2475. Recommendations made by the Magistrates touching the emoluments of the subordinate Medical Officers, are to be submitted, through the regular channel, to the Medical Board direct.—*C. O. No.* 63 *of vol* 3, *Sept.* 18*th*, 1840, *W.* P.

Pay of native Doctors of secondary class.

2476. If a native Doctor of the secondary class is attached to a jail or Civil Station in cases where the fixed establishment does not provide the full amount of pay which the native doctor is entitled by his standing, the Magistrate is to charge such amount of pay, as he may be entitled to, in the establishment bill ; specifying that the Officer charged for is a native Doctor of the secondary class, and quoting the date of the order by which he is attached to the station.—*C. O. Govt. Beng No.* 14, *Nov.* 1*st*, 1854.

Removal of native Doctors from appointment.

2477. Native Doctors are not to be held liable to summary removal from their appointments by the local authorities, except with the concurrence of the Superintending Surgeon of the circle. On the occurrence of any vacancy in that class of public servants, the Civil Surgeon, to whom the native Doctor is immediately subordinate, should report the same to the superior Medical authorities, with a view to the vacancy being supplied.—*C. O. Govt. Bengal. No.* 30, *Novr.* 14*th*, 1855,

SECTION X.

OF CUSTODY OF PRISONSER UNDER EXAMINANION.

Prisoners to be sent to the Jailor with a chalan.

2478. On the apprehension of prisoners at the Sudder Station, as well as on the arrival of prisoners sent in by the Police Darogah, they are to be delivered over to the jailor with a *chalan* under the signature of the Magistrate or his assistant specifying their names, the charge or information on which they have been apprehended, in what apartment of the Jail or with what description of prisoners they are to be confined, and whether they are to be secured with ropes or fetters.—*Jail rules, sec.* 2, *para.* 3.

Jailor to execute the terms of the chalan.

2479. The Jailor is to carry the terms of the chalan into execution, and is to take every possible precaution for preventing the prisoners under examination from associating and conversing with the convicts in the Jail.—*Jail rules sec.* 2, *para.* 4.

To be confined in a distinct apartment.

2480. All prisoners detained under examination are to be confined in a distinct apartment, or apartments of the regular jail.—*Jail rules, sec.* 2, *para.* 2.

Not to be kept in Nazir's House.

2481. Prisoners are not to be kept in the Nazir's House, until they find security, or until orders are passed upon the report of the Darogah accompanying such as are sent in by the Police.—*C. O. No.* 47 *of vol.* 19, *Feb.* 2, 1830.

To be kept separate from all others, if they have confessed in the mofussal

2482. When accused persons, who have confessed, in the moffusil, are forwarded by the Police they should not be allowed to mix with the prisoners in the common jail previous to their examination by the Magistrate, lest they should be put upon their guard by them, and consequently decline to make any confession or discovery. On the other hand, the Magistrate must be watchful that prisoners are not subjected in the jail, or other places of confinement, to any continuance of the improper means which have been used by the Police to extort confessions.—*C. O. No.* 73 *of vol* 1, *August* 23, 1810.

Fetters to be imposed only in heinous cases.

2483. As the only object of keeping in custody prisoners committed to the sessions is to secure their appearance at the time of trial, the Magistrate is not to confine in fetters any such person who is charged with a bailable offence, and committed to prison from inability to find bail ; or who, though not admitted to bail, is not charged with a heinous offence, such as from the circumstances and nature of the case, considered with the prisoner's condition of life, appears to render the use of irons indispensably necessary for his secure custody.—*C. O. No*, 40 *of vol.* 1, *January* 4, 1805.

2484. Under this rule prisoners, committed on a charge of burglary may be confined in irons, as that offence is of a heinous nature, but the Magistrate should use his discretion in such cases, according to the nature of the offence charged, and the character and circumstances of the individual prisoner, having in view merely to ensure his safe custody.—*C. O. No.* 206, *July* 23*rd*, 1818 *and No.* 210, *November*, 19*th* 1818 *of vol.* 2. And not always in such cases.

2485. This measure, however, should be resorted to only in extreme cases, or where the prisoner is of a character so dangerous as to render the imposition of fetters absolutely necessary to his safe custody; and the Magistrate is always to record on his proceedings of commitment his reasons for resorting to the measure, whenever he deems it necessary to place fetters on a prisoner previous to his trial. —*C. O. No.* 32 *of vol.* 2, 24*th July*, 1829. Only in special cases.

2486. Whenever the attendance of any prisoners in the jail is required at the Magistrate's Cutcherry, the Nazir is to send a list of their names, under his signature, to the jailor; and the jailor is to deliver the prisoners mentioned in the list to the charge of the Officer sent for them, with a sufficient guard for their security.—*Jail rules, sec.* 2, *para* 5. Rule when prisoners are required in the Magistrate's Court.

SECTION XI.

WARRANTS FOR EXECUTION OF SENTENCE.

2487. A warrant of release should always be issued by the Session Judge on the acquittal of a prisoner, even though he has been convicted in another case, in order to preserve regularity in the office of the Magistrate.—*N. A. R. vol. II, page*, 10. Warrant to be issued for release.

2488. In all cases in which the Judge passes final sentence without reference, the warrant to the Magistrate for carrying the sentence into execution should be issued within two days from the close of the proceedings.—*C. O. No.* 119 *of vol.* 2, 24*th August*, 1832. Judge to issue warrant within two days after sentence.

2489. All warrants for the execution of sentences should be addressed to the Chief Magisterial authority of the district, whether he is denominated Magistrate, or Joint Magistrate, although the prisoners were committed for trial by subordinate Officers exercising the full powers of Magistrate.—*Con. No.* 847. All warrants to be addressed to the Magistrates.

2490. In cases of Thuggee and Dacoity the warrants must be addressed to the Magistrate in whose custody the prisoner may be at the time of their issue.—*C. O. No.* 32, *December* 10, 1856 *L. P.* Warrants in cases of Thuggee and Dacoity.

2491. The Session Judge is invariably to insert in the warrants in words as well as in figures the period of imprisonment, to which the prisoners thereby affected are sentenced; and at the same time to note in the margin of the warrant the prisoner's name and the period of imprisonment in figures —*C. O. No.* 67, *vol.* 2, *Dec.* 17, 1830. Period of imprisonment to be noted in words and figures.

2492. The Session Judge is invariably to specify the date of the sentence, passed by the Nizamut Adawlut, in the warrant issued by him for carrying it into execution.—*C. O. No* 151 *of vol.* 1, 10 *August*, 1815. Date of sentence by Nizamut Adawlut to be noted.

2493. When a prisoner has not been apprehended until sometime after the date of his sentence, the Magistrate is to make a special report to the Nizamut Adawlut, through the Session Judge, for their orders regarding the date from which the period of imprisonment is to be reckoned.—*N. A. R. vol. III, page* 40. If prisoner has absconded.

2494. If more than one prisoner is included in one sentence a separate warrant is to be delivered on account of each to the Jail Darogah of the district jail, to be forwarded to the Magistrate of the District to which a prisoner may be ordered by Government to be sent or to the Superintendent of the Allipore Jail, as the case may be. A copy of his warrant is to be delivered to each prisoner. In the transit of a prisoner from the custody of one Magistrate to that of another, the original Separate warrant for each prisoner.

Copy to be given to prisoner.

Warrant, and the said copy, are to be carefully transmitted along with the prisoner. On the expiration of the sentence or death before expiry of sentence the warrants, original and copy are to be returned to the Magistrate of the District whence the order issued.—*C. O. No.* 8, *August* 15, 1858.

All warrants to be returned after execution.

2495. All warrants are to be returned to the Court by which they were issued, after the complete execution of the sentence contained in them, with an endorsement certifying the manner in which the sentence has been carried unto execution. In the case of a sentence both for corporal punishment* and imprisonment, the carrying into execution of the former part of the sentence should be endorsed on the warrant at the time of inflicting the punishment; but the Magistrate is to retain the warrant until the expiration of the term of imprisonment: or to return it duly endorsed, should the prisoner die during the course of the term or in the event of his being removed to another Zillah, the warrant is to be transmitted to the Magistrate of the Zillah to whom the prisoner is sent, with information that he is to return it duly endorsed on the expiration of the sentence or death of the prisoner.—*C. O. No.* 34 *of vol.* 1, 19*th June*, 1804.

How to be endorsed

Warrants of Magistrate to be endorsed by Jailor.

2496. Warrants of Magistrates, Joint Magistrates, and assistants, are to be returned by the jailor when completely executed, with an endorsement to that effect on the reverse.—*C. O. No.* 167 *of vol.* 2, *May* 15, 1835.

If persons die during transit.

2497. When prisoners die in course of transit from one district to another, or after arrival, the Magistrate to whose district the prisoners are sent, on obtaining information thereof, is invariably to forward the warrant, sent with the individuals so deceasing, to the Magistrate from whose district they came, enclosed with a certificate of death under his Official seal and signature.—*C. O. No.* 40 *of vol.* 34, *March* 20, 1840, *W. P. April* 3*rd*, 1840, *L. P.*

2498. The forms of warrants have not been prescribed by any circular order; but the following are those generally in use.

No. 1.

Warrant of sentence of death

Court of Sessions.

Trial No. of Calendar.

Sessions.

To Esq.

Magistrate of

Whereas at a general jail delivery of for the holden at on the day of the month of in 186 has been convicted of and sentenced by the Court of Nizamut Adawlut to suffer death by being hanged by the neck until he be dead, after which his body unless claimed by his relatives or friends is to be either burnt or interred: it is hereby ordered that execution of the said sentence be made and done upon the said on or before the of the month of ; and that you do return this warrant to me with an endorsement attested by your Official seal and signature, certifying the manner in which the sentence has been executed, as commanded by the regulations enacted by the Governor General in Council and now in force. Herein fail not.

Given under my hand and the seal of this Court on the day of in the year 186

Note.—For form of endorsement of death warrants see para. 2511.

No. 5.

Warrant of sentence of punishment

Court of Sessions.

Traial No. of Calendar.

Session.

To Esq.

Magistrate of

Whereas at a general Jail delivery of for the holden at on the day of the month of in the year 186 has been convicted of and sentenced to , it is hereby ordered, that execution of the said sentence be made and done upon the said without

* Corporal punishment has now been abolished.

delay as commanded by the Regulations, and that you do return this warrant, when completely executed, with an endorsement attested by your Official seal, and signature certifying the manner in which the sentence has been carried into execution. Here in fail not

Given under my hand and the seal of this Court this day of in the year 186

No. 7

Court of Session.

Trial No. of Calendar.

Sessions.

To Esq.

Magistrates of

Warrant of acquittal.

Whereas at a general Jail delivery of for the holden at on the day of the month of in the year 186 . charged with has been tried, and sentence of acquittal has been passed upon the said, it is hereby ordered, that the said be released, and that you do return this warrant to me with an endorsement, attested by your Official seal and signature, certifying the manner in which the sentence has been executed.

Given under my hand and the seal of this Court this day of in the year 186 .

SECTION XII.

OF EXECUTION OF SENTENCE.

CAPITAL PUNISHMENT.

Copy of sentence of N. A to be sent to Magistrate

2499. In all cases of Capital punishment, copies of sentences of the Court of Nizamut Adawlut should be transmitted to the Magistrate, together with the warrants for the execution of the prisoners.—*C. O. No.* 32 *of vol.* 1, *March* 18, 1804.

Discretion allowed to Magistrate as to time.

2500. In issuing warrants for capital sentences to the Magistrates, a discretion should be left with them, in regard to the period for carrying such sentences into execution, in the warrants, specifying on or before a certain date.—*C. O. No.* 103 *of vol.* 1, *Oct.* 24, 1811.

But Judge to report extraordinary delay

2501. The Session Judge is invariably to report, for the orders of the Nizamut Adawlut, any extraordinary delay which occurs in carrying into execution a sentence of Capital punishment.—*C. O. No.* 286, *of vol.* 1, *April* 2, 1824.

Warrant to be returned if execution is delayed beyond the specified time.

2502. Whenever a Magistrate has occasion to postpone the execution of a convict sentenced to suffer death beyond the period fixed in the original warrant, he must return such warrant to the Session Judge with a report of the circumstances of the case; and wait the receipt of a second warrant, or an order endorsed upon the first by the Session Judge, containing a definite date for carrying the postponed sentence into effect.—*C. O. No.* 305 *of vol.* 1, *Jany.* 14, 1825.

Place of execution.

2503. All executions are to take place at the Sudder Station of the Officer to whom the warrant is directed, unless expressly otherwise ordered in the sentence of the Nizamut Adawlut. The Magistrate, or his assistant, covenanted or uncovenanted, is to be present, at every execution, whether at the Sudder Station or in the interior.—*C. O. No.* 42 *of vol.* 4, *June* 29, 1850.

May be at out Station.

2504. If the crime was committed within the Jurisdiction of an out Station, the Capital sentence should be carried into execution at such out Station.—*C. O. No.* 975, *August.* 2, 1854, *W. P.*

Rules to be observed if the execution takes place away from the Sudder Station.

2505. Whenever a convict is sent to any distance from the Jail for execution, the Magistrate is to appoint a sufficient guard for his safe custody, and is to be careful to prevent any exactions from the inhabitants of the Country at the place of execution and with a view to prevent offence, against the prejudices of the Natives, the Court direct that no criminal be executed within any Town, Village, or other inhabited place; or so near to the house of any individual as to afford just ground of complaint.—*C. O. No.* 65 *of vol.* 1. *March* 5, 1810.

Disposal of bodies which are never to be gibbeted.

2506. The bodies of criminals are not to be exposed on gibbets after execution, but are to be burnt or interred, unless claimed by the relations or friends. It is discretionary with the Magistrate to dispose of the body in either of these modes most consonant with the customs of the tribe and caste of the sufferer.—*C. O. No.* 140, *of vol.* 2, *Nov.* 1, 1833 *L. P. Dec.* 1 *and* 6, 1833 *W. P.*

Pattern of drop to be used.

2507. Malefactors are to be executed on a drop according to the pattern prescribed by the Nizamut Adawlut; its construction and use are to be clearly explained, lest any misapprehension should be the cause of unnecessary and protracted suffering. The practice of hamstringing Criminals, whether before or after execution is prohibited; and Magistrates are to be careful that all other practices are abstained from, which tend to diminish the solemnity of the proceeding, and the awe, which it is the primary object of the punishment to create in the minds of all who witness it.—*C. O. No.* 53 *of vol.* 2, *April* 23, 1830.

Certain practices prohibited.

Clothes to be supplied if necessary.

2508. So the practice of allowing music, money, and other indulgences, to persons led to execution is interdicted; but, if the Criminal is not possessed of decent clothes, he is to be invariably supplied with a suit and a cap.—*C. O. No.* 177, *Sept.* 4, 1844, *W. P. and No.* 182, *Sept.* 27, 1844, *L. P. vol.* 3.

Body to remain suspended until death.

2509. In order to prevent undue haste or carelessness on the part of those charged with the duty, in taking down the body before life is extinct, and the consequent necessity of again suspending it, it is directed that the body of a person sentenced to death is invariably to be allowed to remain suspended for one hour at least, and that it is not even then to be removed until death is ascertained to have taken place. The Western Court also require that an Officer of the Medical Department should be required to attend in every instance for the purpose of certifying that death has taken place before the body be removed.—*C. O. No.* 18, *Oct.* 27, 1848, *W. P. and No.* 19, *idem*, *L. P. of vol.* 4.

Presence of Medical Officer.

Form of Warrant to be adapted to each individual case.

2510. As it is impossible to render the printed form of warrant applicable to every case of male and female convicts, the Session Judge is to be careful in each instance to make such alterations as may be necessary, according to the terms of the sentence, to which the warrant should be of course conform as exactly as possible.—*C. O. No.* 180 *of vol.* 1, *Nov.* 20, 1816.

From of endorsement of warrant after execution.

2511. Warrants for Capital punishment, when duly executed, are to be endorsed in the following form:—"I hereby certify that the sentence of death passed on A. B. son of C. D. has been duly executed, and that the said A. B. son of C. D. was accordingly hung by the neck till he was dead, at the Town of Sylhet, on Saturday, the first day of May 1857. I further certify that the body of the said A. B. son of C. D. was afterwards burnt (or buried or given to his relations or friends, as the case may be). Given under my hand and the official Seal of this Court this 5th day of May 1857 (signed) J. S. Magistrate.—*C. O. No.* 260 *Aug.* 9, 1822 *and* 266 *August* 24, 1822 *of vol.* 1.

Magistrate to Certify that no accident has occured; or the cause of such.

2512. In the generality of accidents proceeding from the breaking of ropes made use of to hang Criminals, the contingency is the result of a want of management and due care and foresight on the part of the Officers charged with the execution of the sentence, to whom it cannot but be regarded as exceedingly discreditable. Its effect is equally injurious and to be deprecated, whether the accession of physical suffering caused thereby, or the disturbance of the solemn impression meant to be conveyed and of the operation of the spectacle as a moral example, be considered. Each certification of the execution of a capital sentence is therefore to include an announcemeut of no accident, or error, or other misadventure having occured; any occasion of the occurrence of such contingency with a statement of its cause, of the party to whose fault it was owing, and of the steps taken in consequence, is to be duly notified in the return warrant.—*C. O. No.* 99 *of vol.* 3, *Jany.* 6, 1842.

Form of endorsement to be used in the N. W. P.

2513. The following uniform wording has been prescribed in the Western Provinces for the form of endorsement to be made by Magistrates on capital warrants certifying execution of the sentence; and the Sessions Judges are to satisfy themselves that the certificate has been properly recorded, before returning the executed warrant to the Court, and to bring to the notice any irregularities. "I hereby certify that the sentence of death, passed on son of by the Nizamut Adwalut, has been duly executed; and that the said son of was accordingly hanged by the neck till he was dead at on the 1815. I further certify that the body of the said remained hanging one hour, and that the Medical Officer in attendance, certified complete extinction of life prior to its removal; and that it was afterwards

burned (or buried, or delivered to relatives, as the case may be) not having beenclaimed byhis relations, and that no accident, error, or other misadventure occurred during the execution.—*C. O. No.* 601, *May* 18*th*, 1854, *W. P.*

Rule where a female criminal is executed.

2514. In the instance of female criminals capitally sentenced, provision is always made in the order of the Nizamut Adawlut, for the possible contingency of their pregnancy. The certificate of execution of a pregnant female is to be recorded as follows :—"I hereby certify (as above) ; and that the said ———, not having been found pregnant (or having been found pregnant, and reprieved till forty days after delivery, ——— *as the case may be*) was accordingly hanged, &c. (*as above.*") In the event of pregnancy being declared, that fact, as certified by the Medical Officer, is always to be noted on the warrant of the Sessions Court, which is to be returned by the Magistrate for the Session Judge to endorse thereon the suspension of execution of the sentence for the period indicated.—*C. O. No.* 1405, *November* 16*th*, 1854, *W. P.*

CERTIFICATE.

Of sentence to be given to prisoners.

2515. In order to prevent the detention of prisoners in the jail beyond the period of their sentences, all prisoners sentenced by the Sessions Courts and also those sentenced by the Nizamut Adawlut, to imprisonment for a limited period, are, when their sentences explained to them, to be furnished with a certificate signed by the Magistrate, and sealed with his official seal, showing the name, age, and personal description of the prisoner, the crime of which he is convicted, the period of imprisonment to which he is sentenced, the date of the warrant, and the date on which the period of the sentence will expire.—*C. O. Nos.* 292, *May* 14*th*, 1824 ; 294, *June* 18*th*, 1824, *and* 295, *June* 18*th*, 1824 *of vol.* 1.

Which is to be returned in case of death or expiry of sentence.

2516. The Magistrates are to cause prisoners to deliver up, on their discharge, the certificates granted to them, at the time of their sentences ; as well as to be careful that such certificates are taken back and destroyed in cases of death before the expiration of the sentence.—*C. O. No.* 294 *of vol.* 1, *June* 18*th*, 1824.

Certificate to be amended in case of mitigation of sentence.

2517. When the sentence passed on a prisoner is mitigated, the Magistrate is to recall the original certificate ; and, on explaining to him the mitigated sentence passed upon him, is to furnish him, with a new certificate, specifying the period when the reduced term of imprisonment awarded therein will expire.—*C. O. No.* 21 *of vol.* 3, *March*, 30*th.* 1839.

Wooden ticket used in W. P. in lieu of Certificate.

2518. In the Western Provinces each prisoner is to be provided in lieu of the certificate with a wooden ticket, measuring 4 by 2 inches ; one side of which is to be branded with the prisoners No.—and the two last figures of the year in which he was admitted ; and on the reverse the date of the expiration of the sentence.—*C. O. Insp. Prisons, W. P. August* 28*th*, 1845.

REGISTER OF UNEXPIRED SENTENCES.

Rules for keeping.

2519. With the view to prevent the possibility of the detention of any prisoner beyond the term of imprisonment adjudged against him, the Session Judge and the Magistrate are to keep, in the English

language, Registry books of all unexpired sentences, in the form annexed.* The entries are to be made by the Magistrate immediately on receiving the warrant. Persons are to be entered under the year in which their sentences expire, so that a glance over it at the end of each year will show whether any have been by neglect confined beyond their period of sentence. A memorandum of this is to be made and signed by the Session Judge or Magistrate at the close of each year. Prisoners sentenced to death, or to imprisonment for life, are to be entered in the year in which they are sentenced. The Register of each Court is to be confined to the Warrants issued from that Court. The Register of sentences passed by the Magistrate, and Joint Magistrate, is to be kept by the Fouzdaree Nazir and submitted for the inspection of the Magistrate at the commencement of each month.—*C. O. Nos.* 23, *May 1st*, 1829, 71, *Dec.* 31, 1830; 167 *May 15th*, 1835, 178 *August 21st*, 1835, *and* 225, *March 17th*, 1837, *of vol.* 2.

Rule in case of mitigated sentence.

2520. Whenever the sentence passed on a prisoner is mitigated, the Magistrate, as well as Sessions Judge where the original sentence has been passed by the latter officer, is immediately to cause the name of the prisoner to be struck out, in red ink, from the Register of the year, in which such original sentence, would have terminated, and to be entered in the Register of the year in which the mitigated sentence is to expire, inserting in col. 7 of the former Register a memorandum of such mitigated sentence. When the mitigation or remission of punishment has been ordered by the Nizamut Adawlut, the endorsement on the prisoner's warrant of such mitigation or remission is to be made in the Vernacular language of the district, as well as in English.—*C. O. No.* 21 *vol.* 3, *March* 30, 1830.

2521. Judges are at intervals to call for and examine these Registers, in order to satisfy themselves that they are carefully and punctually kept up.—*C. O. Govt. Bengal No.* 1044, *April* 30, 1855.

2522. In the Western Provinces, two Registers are to be kept one of admission, and the other of release, in the form annexed. In the former a number is assigned to each prisoner; and a fresh Register

* REGISTER OF UNEXPIRED SENTENCES.

1	2	3		4		5			6			7
Names of Prisoners	Date of sentence.	Term of Imprisonment.		When the sentence will expire.		Warrants when received back from Jailor or Magistrate.			Warrants when returned to the Nizamut Adawlut.			
		Years.	Months.	Months.	Date and year.	Month.	Date.	Year.	Month.	Date.	Year.	
Gharuni, ...	10th April 1826	7	"	April.	10th 1833	April.	12th	1833	"	"	"	Memo. Col. 6 to be omitted in Magistrates Register.
Jubba, ...	7th Aug. 1833.	Death.	"	"	"	Sept.	10th	1833	Sept.	12th	1833	
Janee, ..	5th Sept. 1833.	Release	"	"	"	Sept.	12th	1833	"	"	"	
Pema, ...	27th Feb. 1833.	"	6	Augt.	27th 1833	Augt.	28th	1833	"	"	"	
Rambuksh.	3rd Feb. 1833.	"	3	May.	3rd 1833	May.	4th	1833	"	"	"	

Note.—The register of each Court should be confined to the warrants issued from that Court. Warrants of Magistrates, Joint Magistrates and Assistant Magistrate to be returned by the jailor when completely executed with an endorsement to that effect on the reverse.

Book of prisoners daily admitted into Jail under sentence :—

1	2	3	4	5	6	7	8	9	10	11	12
Date of admission of prisoner into Jail.	No. of warrant.	Current No. of Prisoner.	Name and age of prisoner, & father's name.	Crime, caste and profession.	Term and date of sentence.	With or without labour.	With or without irons.	Amount of fine and term of payment.	Sentence by whom passed and prisoner from what Zillah received.	Date of expiration of sentence.	REMARKS.

REGISTER OF RELEASE.

1	2	3	4	5	6	7	8	9	10	11
No of Warrant.	Current No. of Prisoner.	Name of prisoner.	Crime.	Sentence.			Sentence by whom passed and prisoner from what Zillah received.	Date of release, and signature of Officer.	Date of return of warrant	REMARKS.
				Date	Term	Expiration				

is prepared at the commencement of each year the names of the prisoners remaining in confinement being first entered with their original numbers, and new numbers being assigned in consecutive order to new admission. A warrant of imprisonment should include only those prisoners, whose sentences will expire on the same day; and such warrants are to be carefully docketed and kept in bundles according to the year and month in which the sentence will expire. Only one Register of release should be kept for all prisoners whether sentenced by the Magisterial Officers, the Sessions Judge, or the Nizamut Adawlut. A prisoner sentenced to death or imprisonment for life should be entered under the date of his sentence: and banished prisoners will be entered under the date of the expiry of the sentence in both Zillahs. A memorandum is to be made in the col. of remarks of the Register of Release, if a sentence be mitigated, or an additional term of imprisonment awarded; but in the latter case the fresh sentence is not to be entered in the Register of admission, until the expiry of the first sentence and re-admission on such second sentence. A memorandum of the death, or escape, or transfer of any prisoner is to be made at the time of the occurrence in both Registers, and on the original warrant, and copy of the proceeding held is to be sent to the Judge for entry in his register. The original warrant and perwanahs of absconding prisoners are to be retained by the Magistrate and Jailor. On the recapture of an absconded prisoner under sentence of labour, he is immediately to be employed in the fulfilment of his primary sentence; and is not to be placed in the hawalat pending enquiry into or a final

order on this or any other offence. The expiry of a recaptured prisoner's first sentence will be postponed for as many days as he has remained at large, and a fresh entry of such expiry must be made in the Register of Release.—*C. O. Insp. Prisons W. P. No* 3, *Aug.* 28, 1845.

SENTENCE PASSED IN ANOTHER JURISDICTION.

By Joint Magistrate not residing at Sudder Station.

2523. All prisoners committed by a Joint Magistrate not residing at the Sudder Station to take their trial before a Sessions Court, if sentenced to a period short of perpetual imprisonment, and if banishment form no part of their sentence, are to be sent to be imprisoned till the expiration of their term at the Station of the Joint Magistrate by whom they were committed, provided the jail at such station has room and accomodation for the prisoners without danger to their safe custody or health: where this is not the case, the prisoners must either all or part of them, according to necessity, be confined in the jail of the Magistrate's Station.—*C. O. No.* 288 *of vol.* 1, *April* 17, 1824.

Execution of sentences of Mofussil Courts in jails within the limits of the Supreme Court.

2524. Whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment, with or without hard labour, should be subjected to the most improved rules of prison discipline, which cannot in all cases be conveniently done except in the prison locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is enacted that all Civil and Criminal Jails and Houses of Correction within the jurisdiction of Her Majesty's Supreme Courts shall, according to the nature of the case, be liable to be used by the Sheriff for the purpose of this Act ("*i. e.* the execution of mofussil processes within the jurisdiction of the Supreme Court) and the parties imprisoned therein under the authority of this Act shall be liable to the prison, discipline thereof;————and all Sentences of imprisonment passed by any Judge, Court, or Magistrate" in the mofussil beyond the local limits of the Supreme Court, may be executed in whole or in part within any Jails or Houses of Correction, aforesaid, provided that a copy of the Warrant of commitment or other process authorizing the imprisonment be so endorsed as aforesaid, (*i. e.* by one of the Judges of the Supreme Court) and such endorsement contained the necessary directions.—*Act XXIII.* 1840, *sec.* 8.

Execution of sentences passed by Government Officers administering foreign States.

2525. Within the British Territories in India, and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails are competent to give effect to any sentence that is passed by any Court established, or that may be established by the authority of the Governor General in Council, for the administration of Criminal justice in states or Territories administrated by Officers acting under the authority of the Government, although such states or Territories are not subject to the Government of the Presidency of Fort William in Bengal, Fort St. George, or Bombay, or are not subject to the operation of the general Regulations.—*Act V.* 1847, *sec.* 1.

Warrant of such Officer is sufficient authority for holding prisoners in confinement.

2526 A warrant under the official seal and signature of the Officer or Officers, exercising criminal jurisdiction within such states or Territories as aforesaid, is sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any other punishment prescribed therein.—*Ibid, sec.* 2.

If the Officer in charge of the Jail entertains doubts of the legality of the warrant or of the competency of the Officer issuing it, he is to refer to Government.

2527. If any Officer in charge of Jail entertains any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons, whose official seal and signature is affixed thereto, to pass the sentence and issue such warrant, such Officer is to refer the matter to the Government, to which he is subject, by whose order in the case such Officer, and all other public Officers, are to be guided as to the future disposal of the prisoner. Pending any such reference the prisoner is to be detained in custody in such manner and with such restrictions or mitigations as are specified in the warrant.—*Ibid, sec.* 3.

Treatment and security of prisoners confined under such warrant.

2528. The provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, are to apply and to be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.—*Ibid, sec.* 4.

Cost of imprisonment of prisoners confined under Act V. of 1847 to be recovered from Native States.

2529. With reference to the practice which is understood to exist of confining in British Jails, under the provisions of Act V. of 1847 prisoners, who are subjects of Native States and have been sentenced for the offence of Suttee committed within the boundaries of Native States. I am directed by the Governor General in Council to request that in all such cases the cost of the imprisonment and maintenance of such prisoners may be recovered from the Native States to which they respectively belong.—*Circular of Government of India No.* 79, *dated* 26*th November*, 1861.

Magistrates required to give effect to sentences of military tribunals.

2530. A Magistrate is competent to give effect to the sentence of General Court Martial adjudging imprisonment with labour among the convicts of the Civil Power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of giving it effect by the Judge Advocate General, or his Deputy under the authority of the Commander-in-Chief; and the sentence so certified is the Magistrate's warrant and authority for carrying it into effect according to the terms of it.—*Reg. IV.* 1820, *sec.* 2.

2531. Whenever a Court Martial adjudges imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of such Court is committed to any such imprisonment it is the duty of every Judge, Magistrate, Sheriff or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer commanding the Division, Field Force District, or Brigade, within which the trial is held.—*Act XX.* 1845, *article* 81.

But not to act without warrant of commitment in prescribed form.

2532. Officers in charge of Jails are not to receive into custody any man, who may be sentenced to imprisonment by Court Martial, unless accompanied by the proper warrant of commitment, as prescribed by General Orders March 3, 1853 and a descriptive Roll of the prisoner (see para. 585).—*C. O. Govt. Bengal No.* 16, *Dec.* 6, 1854; *C. O. Insp. prisons W. P. No.* 50 *of* 1854 *and* 65, *of* 1855.

SECTION XIII.

OF REMOVAL OF PRISONERS UNDER SENTENCE.

Local Government may order removal of a prisoner from one jail to another

2533. When any person shall be sentenced to imprisonment, it shall be lawful for the Local Government to order the removal of such person during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same Local Government.—*Act* 25 1861, *sec.* 49.

Notice to be sent of order of removal.

2534. When a Magistrate has occasion to forward a prisoner to another district, he is invariably to transmit either by dâwk, or with the chullan, a Roobakree or letter containing a distinct Statement of the order, in furtherance of which the despatch is made.—*C. O. No.* 2211, *May* 9, 1854, *W. P.*

Report to be made to Government by Magistrate of certain prisoners.

2535. All statements of prisoners sentenced to imprisonment in banishment, or in transportation, or for life in the Alipore Jail, are to be forwarded by Magistrates for the orders of Government.—*C O. Government Bengal No.* 1072, *October* 10, 1844.

Abstracts of sentences to be forwarded by Nizamut Adawlut and Session Judges.

2536. Abstracts in a tabular form of sentences of imprisonment in banishment, or in transportation, or for life in the Alipore Jail, passed by the Nizamut Adawlut or Session Judges, are to be forwarded to Government by the Court and the Session Judges respectively. Such abstracts are to be forwarded by the Sudder Court as soon after the date of sentence as is practicable; but abstracts of sentences of banishment, passed by the Session Judges, are not to be transmitted by them, until after the expiration of three months from the date of sentence, in order to allow of that period for appeal.—C. O. Government Bengal No. 1072, October 10, 1844. If the case be still under appeal on the expiration of three months, the Judge is to submit an abstract statement when the result of the appeal is known, noting thereon the date of the Sudder Court's final orders on the appeal and the date on which they were received in his Office. But he is on the expiration of three months to submit his abtract, as above required, nevertheless;

If the case remain under appeal beyond three months.

distinguishing the prisoners who have not appealed within that period; and noting in the case of prisoners who have appealed, whether or not final orders have been received.—*C. O. Government Bengal No.* 18, *March* 19, 1855.

Form of application for orders for removal.

2537. No prisoner under sentence of transportation or perpetual or temporary imprisonment in banishment, though the place in which he is to undergo his imprisonment is mentioned in the sentence, is to be removed from the jail until the receipt of the orders of Government on the application for his removal. The Magistrates are to submit separate statements of convicts sentenced by the Session Court, and by the Nizamut Adawlut according to the annexed forms A and C * Statement A is to be prepared and submitted after the expiration of 30, but within the period of 45 days, from the end of the month in which the sentences were passed. The Magistrate is to be careful not to include in the same statement convicts sentenced at the jail deliveries of different months. Statement C is to be prepared and submitted within 15 days from the receipt by the Magistrate of the warrant of the Session Judge for carrying into effect the sentence of the Nizamut Adawlut: Whenever a Magistrate has occasion in consequence of the crowded state of the jail, to apply for permission to remove convicts not sentenced to banishment to another district, he is to submit statements in form as similar to these as possible, keeping the prisoner sentenced by the Session Court separate from those sentenced by the Nizamut Adawlut. In these statements the name of each prisoner's father is invariably to be inserted.—*C. O. No.* 183, *November* 20, 1835 *and* 204, *September* 28, 1836 *of vol.* 2; *C. O. Government Bengal, No.* 34, *May* 14, 1856.

So, if removal of prisoners is necessary from the crowded state of the Jail.

*A. Statement of convicts sentenced by the Session Judge, to imprisonment in banishment at a Jail delivery of for the month of 186 .

1	2	3	4	5	6	7	8
No.	Name of convict and of their father; and of the village and district of which they are natives.	Caste.	Age.	Crime.	No. of each convicts in the jail delivery statement No. 1.	Date of sentence of Session Judge.	Sentence.

* C. Statement of convicts sentenced by the Nizamut Adawlut to temporary imprisonment in banishment or to perpetual imprisonment in the Jail at Alipore or transportation beyond Sea.

1	2	3	4	5	6	7	8
No.	Names of convicts and of their fathers and of the village and district of which they are natives.	Caste.	Age.	Crimes.	Date of sentence of Nizamut Adawlut.	Date of receipt of warrant of Session Judge for carrying the sentence into execution.	Sentence.

2538. In the Western Provinces applications relative to the disposal of prisoners sentenced to banishment, are to be submitted through the Inspector.—*C. O. Inspector prisons, W. P. No.* 44, *March* 7, 1854 *and No.* 63 *of* 1855.

2539. The statements and returns regarding prisoners sentenced to banishment or transportation are to be submitted by the Magistrates and the Session Judges respectively to the Inspector, who is to determine the place of banishment to which each prisoner so sentenced is to be forwarded. The statements submitted by the Sudder Court to Government will be forwarded to the Inspector as soon as they are received. The Inspector will submit a quarterly report to Government for sanction regarding the disposal of the prisoners sentenced to banishment or transportation.—*C. O. Government Bengal, No.* 49, *May* 5, 1857.

Report of prisoners sentenced to transportation or banishment to be forwarded to Inspector who is to determine their disposal.

2540. The Jail Darogah is to be furnished with a Memorandum, for the guidance of himself and successors, to the effect that he will be expected to draw the attention of the Magistrate to the cases of any prisers s entenced to imprisonment in banishment, for whose transfer no orders are received within four months from the date of sentence. This however is not intended to relieve the Magistrate from a proper share of responsibility.—*C. O. No.* 2014, *Govt. Bengal, Sept.* 24, 1845.

Darogah to remind the Magistrate, if no orders are received for four months.

2541. As the necessity of making a reference to Government for the removal of sick prisoners from the jail of one district to that of another, occasions considerable delay, which in cases of emergency frequently proves injurious to the health of the prisoners, if not fatal to them; officers in charge of jails are authorized to transfer sick prisoners in extreme cases from one jail to another on their own responsibility, reporting the circumstance to the Secretary to Government as soon after as possible.—*C. O. Government Bengal, No.* 1030, *June* 9, 1847.

Officers in charge of jail may transfer sick prisoners on their own responsibility reporting to Government.

2542. Magistrates forwarding prisoners from their own to other Station must take care that all the necessary documents relating to the identification and offence of the men are sent with them.—*C. O. Government Bengal, No.* 56, *January* 13, 1858.

2543. No persons are to be forwarded to Alipore Jail, who are incapable of bodily labour from age, sickness, or other infirmity; or who have been exempted from bodily labour by their sentences; or in consideration of their former rank and situation in life; under *C.* O. Nos. 3, 8, and 44, of vol. 1.—*C. O. No.* 88 *of vol.* 1, *May* 2, 1811.

In regard to incapacity for labour.

2544. Convicts sentenced to imprisonment in Alipore Jail should be forwarded so as to arrive at Calcutta during the cold season, or in the early part of the south east monsoon, in order that their constitutions may be habituated to the climate previously to the commencement of the periodical rains.—*C. O. No.* 97, *Aug.* 22, 1811 *and* 106, *Dec* 10, 1811 *of vol.* 1.

At what season to be sent.

2545. When convicts under sentence of transportation are sent to the Alipore Jail, an accurate list is to be transmitted with them in the following form :—

Lists of convicts to be sent with them.

Names of Prisoners and of their father.	Description of prisoners.	Crime.	Date of Sentence.	Period of transportation.

It is important that description of the persons of the convicts inserted in the second column should be accurate. The lists are to be written in both the Hindoostanee (or Bengali in Bengal Districts) and Persian language, as well as in English, and the Magistrates are to issue positive orders, that the guards on relieving each other should carefully compare the same with the convicts. The same rules are applicable to prisoners under sentence of banishment to other districts either for life, or for a term of years.—*C. O. No.* 7, *Aug.* 3, 1796; *No.* 25, *April* 10, 1801 *of vol.* 1 *and* No. 20 *of vol.* 3. *March* 8, 1839.

2546. The name of the district and presidency is invariably to be inserted in descriptive rolls of prisoners under sentence of transportation.—*C. O. No.* 58, *June* 5, 1858.

2547. If any of such convicts is of a notorious and dangerous character, it is to be noted in the above statement.—C. *O. No.* 95 *of vol.* 1, *Aug.* 1, 1811.

Noting dangerous characters.

Purwana to be given to Native Officer in charge.

In case of escape or detention by sickness on the road.

2548. In addition to the lists in English and the vernacular with which the escorts are furnished under the above orders, the principal Native Officer should always receive a purwana authorizing him to take charge of the prisoners, and specifying the route he is to follow and the jails at which he is to halt. In cases of escape or detention by sickness, the fact should be notified on the back of the list by the Magistrate of the district in which such escape or detention occurs, instruction being at once forwarded by that Officer both to the Magistrate of the district where the prisoner was convicted, and to the Superintendent of the Alipore Jail—*C. O. Govt. Bengal No.* 4, *September* 15, 1853.

Mode of transmission, L P.

2549. On the receipt of warrants from the Session Judges for the transportation of prisoners sentenced by the Nizamut Adawlut, the Magistrates are to forward such prisoners by the first convenient opportunity to the Superintendent of the Alipore Jail, transmitting to that Officer at the same time by dâk a statement in the form C [see note to para, 2537], and headed " a Statement of convicts sentenced to transportation beyond sea for life, despatched on the of 185 to the Alipore jail from the jail of " Simultaneously with the above Statements the Magistrates are to forward copies of the same to the secretary to Government for comparison with the abstracts furnished by the Sudder Court.—*C. O. Govt. Bengal No.* 1964, *Aug.* 27, 1845.

Particulars to be notified to Superintendent of Alipore Jail.

Copy of warrant to be sent to Superintendent of Alipore Jail.

2550. Magistrates despatching to Alipore prisoners under sentence of transportation, should invariably forward to the superintendent of the jail copies of the warrants, when they advise him of the prisoners' departure.—*C. O. Insp. Jails, L. P. No.* 238, *May* 16, 1859.

2551. The Magistrate is to transmit to the Superintendent of the Alipore Jail, by dâk simultaneously with the despatch of the convicts, a notification of the date on which they quit the station, and the probable date of their arrival at Alipore, together with copies of the warrants and the prescribed lists. The Original warrants and lists are to accompany the convicts themselves.—*C. O. Govt. Bengal No.* 4, *Sept.* 15, 1853 ; *No.* 17, *Dec.* 16, 1854 ; *and No.* 25, *June* 30 ; 1855, *C. O. Insp. prisons W. P. No.* 61 *of* 1855.

Prisoners what to take with them.

2552. Care is to be taken that no convict forwarded to the Alipore Jail takes with him more than one cotorah, or brass drinking cup, without neck or handle, which should weigh not more than six chittacks ; and an extra suit of clothes. No such convict is to be allowed to carry a lotah with him.—*C. O. Govt. Bengal No.* 4, *Sept.* 15, 1853 ; *and No.* 17 *Dec.* 16, 1854, *C. O. Insp. prisons, W. P. No.* 61 *of* 1855.

No forbidden articles should be allowed to be in the possession of convicts when sent from one jail to another.

2553. In the case of life prisoners all ornaments and other property prohibited by the rules in force, which are found on their persons after conviction should be sold, and the amount realized is to be paid into the local treasury and credited to the jail. With regard to term prisoners such property should be placed in the malkhana, and a careful inventory of it be kept, that it may be restored to the prisoner on release In no case should money, jewels, or any forbidden articles be permitted to be in the possession of convicts of either sex, when sent from one jail to another.—*C. O. Insp. Jails, L. P. No.* 3, 113 May 7, 1859.

Memorandum regarding pay of guards

2554. The Magistrate is required also to forward a memorandum in English, in reference to the pay of the guard, drawn up in the annexed form ; a copy of this memorandum in the vernacular being supplied to the Officer in charge.

Memorandum showing the amount of advance received by the guard on their departure from on the in charge of prisoners and the amount of advance payable to them on their departure from Alipore

Names of the guards in charge of prisoners.	Rate of pay per diem.	Amount received in advance.	Further advance to be paid by the Superintendent of the Alipore jail.

C. O. Govt. Bengal No. 4, *Sept.* 15*th*, 1853.

2555. Burkundazes sent to Alipore in charge of convicts are to be furnished with a certificate, on presentation of which they will receive back passages on the Government Steamers free of expence.—C. O. *Govt. Bengal No.* 1818, *August*, 26*th*, 1846.

Burkundazes to receive certificate for back passage in Steamers.

2556. Guards sent in charge of prisoners are to be instructed that they must not remain at the place of their destination longer than is necessary, and that they must find their way back to their respective stations by the shortest and most expeditions route.—*C. O. Insp. Jails L. P. No.* 1016, *June* 28*th*, 1859.

Guards are to return by the most expedition route.

2557. *Rule* 1. The undermentioned Jails are to serve as receiving jails for all prisoners sentenced, in the districts specified, to transportation or to imprisonment in the Alipore Jail :—

Receiving Jails L. P.

Patna for the Districts of	Patna Sarun Chumparun Tirhoot Shahabad Behar	Rajshahye for the districts of	Rajshahye Malda Dinagepore Rungpore Bogra Pubna
Bhagulpore for	Bhagulpore Purneah	Dacca for	Mymensing Sylhet Tipperah
Bakurgunge for	Bakurgung Noakhalee Chitagang		So long as a Government Steamer continues to run between Dacca and Calcutta.

Rule 2. The Magistrates of several districts are to forward their convicts to the receiving jails, at such times, and in such numbers, as is most convenient, accompanied with their warrants and descriptive rolls.

Rule 3. From the receiving jails, as also from the river stations of Moonghyr and Moorshedabad, the convicts are to be despatched under suitable escort to Calcutta on the Government Steamers, as opportunity may offer, the Magistrates in charge of those jails communicating direct for the purpose with the steam agents. The above arrangement applies to Moorshedabad only for such time as the Bhagiruttee is navigable for steam vessels, during remainder of the year convicts are to be forwarded from that district to Alipore in the same manner as heretofore.

Rule 4. The Magistrates in charge of the receiving jails, as also the Magistrates of Moonghyr and Moorshedabad, are, previous to each despatch, to transmit by dâk to the Superintendent of Alipore Jail a statement of the prisoners about to be despatched, in order that due provision may be made for their reception. The statement is to be in the from C. (see note to para. 2539) with an additional column, showing the district from which each prisoner was originally sent.

Statements. To be sent to Superintendent of Alipore Jail and Government.

Rule 5. Such Magistrates are to be careful to forward to the Secretary to Government, simultaneously with the despatch of these statement, copies of the same for comparison with the abstracts furnished by the Sudder Court. They are also to be particularly careful to have prisoners and their guards in readiness together with provisions for the usual duration of the trip, which may be ascertained from the steam agents, so that no delay may occur in the embarkation.—*Resolution Govt. Bengal June* 3, 1846.

2558. The following rules are to be observed, whenever convicts are forwarded on Government Steamers. *Rule* 1. On receipt of information of the arrival of a Government Steamer at any river station, where convicts under sentence of imprisonment in transportation beyond sea, or of imprisonment in the Alipore Jail, are awaiting orders for their transit to that Jail, the Magistrate at that Station will write to the Steam Agent, who may be resident at such station, and to the commander of the vessel, to make the necessary arrangements for their embarkation ; and he will state at the same time the number to be embarked. But the entire number of convicts on board of one vessel at one time should ordinarily not exceed forty, and never when no military guard is on board. When

Rules for despatch of convicts by Government Steamers L. P. On the arrival of the Steamer, Magistrate to communicate with steam agent and commander.

What number of convicts may be embarked on one vessel.

Convicts and guards to be in readiness, with supply of provisions.

Magistrate or assistant to Superintend embarkation, and furnish a descriptive Roll.

Documents to be furnished.

New bedding to be furnished.

Search for Knives, &c.

Irons to be firmly rivetted.

Commander to certify personal examination of irons.

Bel chains.

Each convict to be fastened to Bel chain by a separate chain and Pad lock.

Convicts to be chained so as to admit their eating separately.

Mether.

Cautions against pretended sickness and attempts to escape.

Strength of guards required.

a larger number of convicts may be awaiting transport at a station, an application should, if the exegency of the case will admit of it, be previously made by the Magistrate to Government for special orders on the occasion. *Rule* 2. The Magistrate embarking convicts as above, should be particularly careful to have the convicts and their guards in readiness, together with a proper supply of provisions, according to the usual or probable duration of the trip, in order that no delay may occur in the embarkation. *Rule* 3. The Magistrate, or one of his covenanted subordinates, should superintend the embarkation and furnish the commander with a descriptive Roll of the convicts similar to that forwarded to the superintendent of the Alipore Jail. *Rule* 4. The Magistrate will also furnish the principal Officers of the guards, as well as the Superintendent of the Alipore Jail, and the Government, with the several documents relating to the convicts, &c., that are now furnished under the existing orders of the Sudder Court and Government. *Rule* 5. On the convicts being placed on board, their old gunny bedding should always be exchanged for new ones; and the clothing, &c. allowed to them under existing orders, should be carefully searched, with a view to prevent the posibility of their concealing in them knives or other instruments as means for effecting escape or suicide. *Rule* 6. The irons of the convicts are to be strong, and their rivets perfect with welded heads on both sides. They are to be carefully examined by the commander, who should certify in his receipt for the convicts, that he has personally satisfied himself that the irons and rivets are strong and firm. The Bel chains to which the convicts are to be attached should be of strong round links. *Rule* 7. The convicts are to be fastened to long Bel chains kept on board each steamer. No more than ten convicts should be fastened to each chain. State prisoners, when forwarded, should be kept separate from ordinary felons. *Rule* 8. Instead of the chain passing through the rings of the fetters of each convict, by which arrangement all the convicts must be let loose to get at the last man, each convict should have a separate chain of two feet in length, wielded to his fetters, to be locked on to a link of the Bel chain with a separate padlock. Each convict can thus be removed from the running chain separately without interfering with others; they will also be less cramped and confined while sleeping. By adopting this plan, convicts of a superior caste, or any notorious offender can be stapled down separatly. *Rule* 9. The convicts are to be so classed in the running chains as to admit, if possible, of the respectable caste, in one chain, eating their meals apart from the lower castes, without leaving the running chain. *Rule* 10. One mether should accompany the gang of convicts sent by each steamer. *Rule* 11. One or two metal pans shuld be supplied to the mether in charge, for use of the convicts during the night. *Rule* 12. Should any convict be released from the running chain in consequence of evident sickness, he can be stapled to any part of the vessel the commander may deem fit; but commanders should be on their guard against pretended illness, and care should be taken in the removal of a convict from one part of the vessel to another, that he does not attempt to cast himself over-board. It should be borne in mind, that men meditating an escape are likely to be the quitest and best behaved, and that every one of them would rather die at once than have to go across the sea. They should not be allowed any the least possible means of injuring themselves or others, and should be made to feel that they have no chance of escape. *Rule* 13. When the number of convicts attached to a Bel chain may be inconsiderable, the strength of the guard to be placed over it should be fixed by the Magistrate as at present, with due advertence however to the character of the convicts. But when the chains shall have the full number of convicts specified in rule 7 fastened to them there should be four Burkundazes or Nujeebs, provided for each chain, so as to furnish one sentry day and night to be relieved every two hours; one duffadars to two chains; and one Jemadar, when there are more than two chains. There will be besides six Burkandazes or Nujeebs on duty over the main guard, and even a larger number, should the Magistrate consider it necessary, with reference to the character of the convicts or to other special reasons. When a small additional number of convicts is embarked at a second station and fastened to a chain already partly occupied, the Magistrate at that station should supply such a guard, as with the number already on board will, in the proportion above, fixed, be sufficient for the whole gang fastened to the chain. In cases where one or two convicts are embarked at a second station, and the guards already on board are considered sufficient, the Magistrate at such station should send one additional Burkundaz or Nujeeb only, as in formal charge of the convict or convicts forwarded

by him and of the necessary papers to be delivered to the Superintendent of the Alipore Jail. The whole of the guard sent on board, should be placed under the immediate authority and control of the commander of the Vessel, and required strictly to conform to all orders he may issue, he being responsible for the safe custody of the convicts. *Rule.* 14. Each Burkundaz should be armed with a sword and shield, and each Nujeeb with a musket. The latter should each be furnished with twelve rounds of ball Cartridge for use when necessary; but to be kept at the main guard apart from the prisoners. All proper precautions should be taken to prevent the prisoners from gaining possession or making use of any weapons; and to this end the sentry on duty over the prisoners should be at each charge directed to be very careful of whatever weapon he has with him, when he approaches the Bel chains; and the duffadar should be directed to hand over his bayonet or sword to the sentry whenever he may have to stoop or move near the prisoners, in order to unloose or fasten a chain or for any other purpose. *Rule* 15. Should any convict become insubordinate the commander of the Vessel shall be at liberty to reduce his rations for such time, and in such proportion, as he may think proper. In cases of gross insubordination the circumstances should be recorded and duly attested in the shape of a charge, to be laid before the Superintendent of the Alipore Jail, with a view, after due investigation, of punishing the offenders according to the circumstances of the case. *Rule* 16. The Commander should require one of his Officers to see the rations distributed, to report complaints, and to maintain order and silence. *Rule* 17. On arrival off at Calcutta, the convicts are not to be disembarked later in the day than one hour before sunset if the Boats anchor below Fort point or later than two hours before sunset if the Boats are anchored above Fort point. *Rule* 18. The above rules are also to be observed when, under special circumstances, convicts are sent from one station to another on Government Steamers. *Rule* 19. The commander of each Government Inland Steamer or flat should be furnished with a copy of these rules for his guidance, whenever he may have occasion to bring down convicts to the Alipore Jail, or to take them from one station to another under special circumstances. *Rule* 20. The greatest care should be taken by the Officers concerned to ascertain that the convicts to be embarked have no cord, or thread, or waxed silk, concealed on their persons, or in their bedding, clothing, &c., as they have been known to make use of these articles to cut their fetters. *Rule* 21. As it is a common practice amongst convicts to conceal flaws and cuts in their fetters by the use of cement, the commander of the Steamer should cause all the fetters and ankle rings to be carefully scraped with a knife, or other sharp steel instrument, in his own presence, as soon as possible after the convicts are embarked. This process should be occasionally repeated during the voyage.—*C. O. Govt. Bengal No.* 562 *Janury* 29, 1856; *and No.* 2110 *June* 5, 1856.

Guards to be under authority of Commander.

Arms of Burkundazes and Nujeebs.

Precautions regarding arms.

In the case of insubordination on the part of the convicts.

Officer of vessel to see the rations distributed, &c.

Disembarkation of convicts.

Same rules, if convicts be sent from one Station to another.

No cord, thread or waxed silk to be allowed to convicts.

Fetters and rings to be scraped with a knife in order that flaws may be discovered.

2559. *Rule* 1. The following jails are to be considered as receiving jails in the first instance for all prisoners, sentenced to transportation in the districts specified.

Allyghur for the districts in the Delhi and Meerut divisions:—

Furruckabad for the districts in Rohilkund, Cawnpore for the districts in the Agra division except Furruckabad; Allahabad for Bundelcund and the districts in the Allahabad division except Cawnpore; Benares for Juanpore; Ghazeepore for Azimghur and Goruckpore.

Mode of transmission in the North Western Provinces; and receiving Jails.

Rule 2. The Magistrates of the several districts are to forward their convicts to the receiving Jails at such times and in such numbers as may be most economical and convenient, accompanied with the usual warrant and descriptive roll. The Magistrates in the several Delhi districts are to forward them in the first place to the Magistrate of Delhi, who is to receive charge of them, and send them on with the convicts from his own Jail. In the same way the Magistrate of Meerut is to receive charge of the prisoners from the Dhoon, Mozuffernugger, and Seharunpore; the Magistrate of Bareilly of those from Bijnore and Moradabad; the Magistrate of Agra of those from Muttra; and the Magistrate of Futtehpore of those from Banda and Humeerpore. *Rule* 3. On the 1st January in each year, and on the first day of each following quarter, the prisoners who have been collected at Allyghur and Furruckabad respectively are to be forwarded to Cawnpore, from whence they are to proceed together with the Cawnpore, prisoners in one body to Allahabad. *Rule* 4. From lahabad and the other river stations, the convicts are to be dispatched to Calcutta per steamer, as opportunity may offer; the Magistrates communicating direct for

this purpose with the Agent for Government Steamers at Allahabad. *Rule* 5. Previous to each despatch the Magistrate of each river station is to furnish the Superintendent of the Alipore Jail direct with a statement shewing the number of prisoners to be expected, in order that due provision may be made for their reception. This statement is to be drawn out in the usual form [*i. e.* the statement C of para. 2537 with an additional column to shew the district from which the prisoner was originally sent,] and is to be headed "Statement of convicts sentenced to transportation for life, despatched on the of 186 to Calcutta from the jail at ." A copy of each Statement is to be forwarded for record in the Office of the Secretary to Government Magistrates, forwarding convicts under these orders for transmission to the river stations, and ultimately to the Alipore Jail, are to be careful to send with each such convict a descriptive roll, in the form annexed* and also copy of the warrant under which he is confined. These documents are to accompany the prisoners and to be delivered with them to each Magistrate, into whose charge they are committed on the way. The Magistrates of Allahabad, Mirzapore, Benares, and Gazeepore, are to abstain from forwarding any convicts to Alipore unless they have received the above-mentioned papers regarding them.—*Govt. Order W. P. September* 12, 1845, *and January* 8, 1846.

* List of prisoners sentenced to transportation beyond seas, despatched from the ——— Jail to the Superintendent of the Alipore Jail.

1	2	3	4	5	6	7	8	9	10	11			12	13	14	15	16	17
Current number of prisoner.	Name of the prisoner.	Number of Session Judge's or Nizamut Adulut's warrant.	Register number of prisoner in Zillah jail.	Age.	Father's name.	Place of residence zillah purgunnah, and village.	In what zillah, and by what authority sentenced.	Crime, term and date of sentence.	Date of transfer in transportation or banishment to Alipore.	Descriptive Roll.			Single or married and what family.	Religion, caste, tract, or profession.	Read, write, what language.	On prisoners connections former convictions, and course of life.	On prisoners, temper and disposition and conduct in prison.	Remarks.
										Features, complexion and marks.	Height							
											Feet	inch.						
1	Goorbux alias Goordy.	91	143	25	Dheera.	Delhi; Golamon Sova.	Agra, Nizamut Audawlut.	Accomplice in Thuggee: For life May 21, 1846.	July 9, 1846.	Round dark pox marks, one mole on the nose &c.	5	9	"	Hindoo; Bunjara; Thuggee.	"	Originally convicted and sentenced on the 7th Sept. 1842 to for life in banishment to the Agra jail which was enhanced on to transportation for attempting to strangle fellow prisoner.	Very turbulent and misbehaved.	Imprisonment.

C. O. Govt. W. P. Oct. 15, 1845.

Precautions to be used in order to insure safe custody during transmission.

2560. Convicts of dangerous character, on their passage by water from one station to another, should be confined entirely to the boat, or should be permitted to land only in small numbers at a time, if it is necessary to remove them occasionally on shore. The general use of handcuffs and neck chain would be objectionable, as endangering the lives of the convicts in case of accident to the boat by fire or otherwise; but in special instances they are indispensable; and the practice is not therefore prohibited, but is to be resorted to only in cases of emergency. The precautions for security should be adapted in each

instance to the number and character of the prisoners ; and the Magistrate must take such measures as appear necessary for preventing attempts on the part of the prisoners to over power their guard without subjecting the prisoners to more restraints than is requisite for their safe custody.—*C. O. No.* 161 *of vol* 1, *24th February*, 1816.

Precaution against fire.

2561. The rules quoted in paragraph 2257 are applicable to prisoners under removal. For an account of a lamentable accident which occurred for want of due precautions against danger from fire.—*see C. O. Govt Bengal No* 247, *January* 6, 1853.

Single Burkundaz not a sufficient guard.

2562. Officers are not to forward a prisoner charged with a heinous offence from one station to another under such inadequate custody as the charge of a single Burkundaz. The crime of which a prisoner under such despatch is accused should also be invariably written in the purwana meant to accompany the despatch.—*C. O No.* 20 *of vol.* 3, *Oct.* 1, 1842.

Treatment of prisoners in transit

2563. It having recently come to the knowledge of the Government that prisoners transmitted from one jail to another are occassionally subjected to unnecessary suffering, the following instructions were laid down for their safe custody and health in transit :—

Rule 1. Every prisoner before being sent on a march, must be supplied with a blanket, a suit of Jail clothing, and such drinking and cooking vessels as are necessary. *Rule* 2. No fetters, bonds are ligatures, other than are absolutely necessary to prevent escape, should be employed ; and immediately that convicts are again safely lodged in jail, all hand chains should be removed. *Rule* 3. While on the march hand chains may be used ; and, if there is an armed guard sufficient to prevent any forcible attempt to escape, it would be better simply to couple prisoners together, than to fasten them all to a single chain at night, a proceeding which ought never to be necessary. *Rule* 4. Aged and sick prisoners should not be transferred at unhealthy seasons. In the event of its being absolutely necessary, suitable means must be provided to carry those who are unable to walk, and to take care that the carriage so provided is not made use of by the guards. Natives generally are so indifferent to sickness and suffering that do not affect themselves, and have so little sympathy with the afflictions of others, as to render it necessary to adopt the most stringent measures to prevent any abuse of the means provided for the relief of those who really require such aid. *Rule* 5. In every pal or hut in which prisoners on the line of march are confined at night, a closed lantern should be suspended. *Rule* 6. Sick prisoners must always travel separately, and are not to be attached to any other convicts while they remain sick. *Rule* 7. In all practicable cases water is to be preferred to land carriage. *Rule* 8. All particulars connected with the safe custody and health of prisoners in transit must be entered by the despatching Officer in a certificate to be given to the headman of the guard escorting them. This certificate must be countersigned by every Magistrate and Deputy Magistrate through whose station the prisoners pass *en route*, and should eventually be returned to the despatching Officer, with the signature of the Magistrate to whose Jail the prisoners have been consigned.—*C. O. Insp. Jails L. P. No.* 45, *May* 19, 1866.

Prisoners to be searched daily on the time of march

2564. An instance having recently occured of a file being discovered on the person of a convict, who had been transferred to another Jail ; and it being evident that this implement for attempting to escape had been procured during the journey ; it is directed that, whenever convicts are forwarded from a jail to any other district, the Officer in charge of the escort is to be held individually responsible for the rigid search of the persons and clothes of the prisoners at the end of every day's March. The greater facilities, which a journey affords for obtaining possession of prohibited articles, demand increased vigilance from the guard, any dereliction of duty on whose part should be severely punished.— *C. O. Insp. prisons W. P. No.* 48 *of* 1854.

Magistrate forwarding a prisoner to another district to send intimation to Magistrate thereof.

2565. It having been brought to the notice of the Lieut. Governor that prisoners are frequently despatched from district to district, without an intimation of the sentence or order in persuance of which they are sent, the Magistrates are instructed, when they have occasion to forward a prisoner to another district, invariably to transmit either by Dâk or with the chalan, a roobakaree or letter containing a distinct statement of the order in furtherance of which the despatch is made.—*Govt. Order N. W. P. No*, 2211, *May* 9, 1854.

SECTION XIV.

OF RELEASE OF PRISONERS,

MODE OF.
Orders for discharge.

2566. All orders for receiving prisoners into jail, and for their final discharge, are to be signed by the Magistrate or his assistant, an adddressed to the jailor.—*Jail rules, sec.* 10, *para.* 1.

Rules for release of prisoners on expiry of sentence.

3567. When the sentence of any prisoner may expire, the jailor is to produce him together with his warrant, and registers of admission and release. The releasing Officer will sign the order for release on the back of the warrant, affix his initials and the date in each register.—*C. O. Insp. prison. W. P. No.* 3, *August* 28, 1845.

Hour and place of release.

2568. No prisoner is to be released on any occasion during the night; and all prisoners ordered to be discharged are to be brought to the Magistrate's Cutcherry, and to receive their discharge in the presence of the Magistrate or his assistant.—*Jail rules sec.* 10, *para.* 2

Magistrate how to proceed, if the prisoner is confined in a jurisdiction different from that in which he was committed for trial.

2569 When a convict sentenced to temporary imprisonment is in confinement at the approach of the period fixed for his discharge, in a jurisdiction different from that in which he was committed for trial, he is to be sent back (with the warrant containing his sentence, or an authenticated copy of it, if the warrant includes other convicts not sent at the same time) to the Magistrate of the jurisdiction in which he was committed for trial; unless the Magistrate having charge of the convict, on information of his intended place of residence, or for any other special reason, judges it proper to discharge him in his own jurisdiction, or to send him for discharge to the Magistrate of a different jurisdiction, in which last case he is to be sent to the Magistrate of such jurisdiction; and the Magistrate to whom the convict is sent in such cases, is to carry into effect the warrant for his discharge, taking bail or not, as therein directed; or in particular cases requiring bail, though not directed in the warrant, if, from any information before him of the prisoner's dangerous character, it appears indispensably necessary to adopt this precaution. Provided that in all such cases the prisoner, with a full report of the Magistrates information respecting him, is to be brought before the Session Judge for his orders. The Magistrate having charge of convicts to be discharged in another jurisdiction under this rule, is to send them in such custody as appears sufficient, and with or without fetters, or with an iron on one leg only, as he deems proper, to the Magistrate by whom they are to be discharged, so as to reach him before the expiration of their respective sentences; and, whenever a convict has been committed for trial in a jurisdiction different from that to which he is sent for the purpose of being discharged, or has resided before he was apprehended in a different district from that in which he was committed, and also from that in which he is sent for discharge, notice is at the same time to be given to the Magistrate both of the jurisdiction in which he was committed for trial, and of that in which he formerly resided; and such Magistrates and the Police Officers, being duly advised of their release, are to take the requisite precautions to watch the conduct of the persons discharged, especially of such as appear to be of a dangerous character, and to guard against the repetition of criminal offences by them. The Magistrate sending convicts from one Station to another under these instructions, is to furnish them with a sufficient allowance for their subsistence on the way; but the allowance for one month's maintenance, to which convicts are entitled under sec. 25, Reg. IX. 1793, [see below], is to be paid to them by the Magistrate who discharges them; and he is required to be particularly careful that such allowance is, in all instances, received without deduction by the person entitled thereto.—*C. O. No.* 66 *vol.* 1, *March* 6, 1810.

Prisoners discharged, to be furnished with certificate.

2570. All prisoners discharged by the Magistrate or his assistant are to be furnished with a certificate or roobacaree, under his Official Seal and signature, specifying the following particulars, viz. on what ground or charge the prisoner was apprehended, and at what period; the result of any enquiry made respecting the prisoner; and, if brought to trial on any specific charge, the result of such trial, and the sentence passed upon him, together with the execution of the sentence, if he has been convicted and

punished ; the order of the prisoner's discharge, by whom passed, and on what date ; and, if security has been given by the prisoner for his future appearance or good behaviour, the names of the sureties, and amount in which they were bound respectively.—*C. O. No.* 116 *of vol.* 1, *Aug.* 21, 1812.

And a pass.

And with his own or other clothes,

2571. If necessary, a pass should be given to a prisoner on his release, to prevent his being apprehended as a runaway convict. On leaving the jail, each prisoner is to be supplied with the clothing that was taken from him on admission ; or with some plain and unmarked suit of common cloth, old or new, as may be available, taking care that he has no article of clothing about him marked or numbered as a prison suit.—*C. O. Insp. Prisons W. P. No.* 25, *April* 1, 1851.

Subsistence money to be given to discharged prisoners.

2572. The Magistrate is to pay to all prisoners released from jail, after an imprisonment of six months or upwards calculating from the date of their sentence, who appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life, but is in no case to exceed five rupees ; and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.—*Beng. Reg. IX*, 1793 *sec.* 25 *ced. Prov. Reg. VI.* 1803 *sec.* 25.

2573. Diet money should be given to every released prisoner at the rate of 6 pie per day for the number of days that will enable him to reach his house.—*C. O. Insp. prisons W. P. No.* 25, *April* 1, 1851.

Military offenders to be sent to native village.

2574. All Military offenders on their release from jail are to be forwarded to their native villages and none such should be allowed to remain at large or in the service of private individuals in the Lower Provinces.—*C. O. Govt. Bengal No.* 57, *February* 8, 1858.

Course to be followed when Magistrate may be of opinion that a person of bad character should be watched after release from Jail.

2575. Cl. 6 Section 20 of Reg. XX. of 1817 provides that whenever a person of bad character may be released from jail, and the Magistrate may be of opinion, with reference to his character, that his future conduct should be watched ; such individuals shall be sent to the village to which he may belong, and released in the presence of its headmen.

2nd. It appears that the above provisions have been defeated by the practice of releasing *all* prisoners confined in the Central Jails in these Provinces, at the termination of their sentence, at the gates of the jail ; no matter how heinous or dangerous the crime of which they may have been convicted.

3rd. The Lieutenant Governor therefore directs, that in future, every Officer, on sending a prisoner to jail, will state in his warrant, whether the crime or character of the prisoner is such as to render, it imperative for the interests of society, that he should be made over to local surveillance at the expiration of his sentence ; and officers will be expected to exercise a wise discretion in these recommendations.

4th. Such prisoners will be sent, *en masse*, on the first day of the month preceding that in which their sentence would expire, to their respective zillahs, while less heinous offenders will be released, as at present, at the termination of their sentence, at the Central Jail.

5th. In cases where a prisoner, whom the committing Officer may have recommended to be made over to local surveillance, shall appear to the superintendent of the central jail to have become a reformed character during the period of his incarceration, that Officer shall have authority to release him at the jail, sending at the same time, a report of the circumstances for the information of the Magistrate of the zillah, in which the prisoner resides—*C. O. Govt. W. P. No.* 31, *30th July*, 1859.

FOR REWARD Magistrate may report for remission.

Sentence convicts deserving of such reward.

2576. If any convict, under sentence of imprisonment, from his uniform good behaviour, and industrious performance of the work assigned to him, or from his meritorious conduct in preventing the escape of other prisoners, or rendering any other public service, appears to the Magistrate having charge of him to deserve a remission of the further punishment to which he is liable under his sentence or of any part of it ; a report of the circumstances of the case, with a copy of the sentence passed upon the prisoner, is to be transmitted by the Magistrate through the Session Judge to the Government, who is empowered to remit the further punishment adjudged against the prisoner, in whole or in part, if there appears to be sufficient cause for it. —*Reg.* XIV 1816 *sec.* 10 *cl.* 1, *C. O. Govt. Bengal No.* 1072, *cl.* 10, 1844 *para.* 7.

Reports to be sent to Inspector.

2577. Reports for release of prisoners for reward in mitigation of sentence are to be sent by Session Judges to Inspector, who will issue the requisite orders, submitting a quarterly statement for the sanction of Government.—*C. O. Gov. Bengal No.* 49, *May* 5, 1857.

Full report required in such cases.

2578. A full report of the circumstances of the case is to be sent, so as to enable the Government to form a judgment upon the propriety of granting the remission of punishment which is proposed.—*C. O. No.* 98, *of vol.* 1, *August* 22, 1811.

Magistrate may himself order discharge in certain cases.

2579. In cases of short imprisonment adjudged by the Magistrate or his assistant, wherein the object would be defeated by the delay attending a reference to Government as directed above, the Magistrate is empowered to order the discharge of a prisoner, who appears to deserve a remission of punishment on the grounds specified; provided that his reasons for every such order are recorded on proceedings, to be submitted, when required, for the information of the Session Judge.—*Reg.* XIV. 1816 *sec.* 10, *cl.* 2.

Applications how to be made in W. P.

2580. Applications for the release of prisoners on account of good conduct, or any other cause than bodily infirmity, are to be made through the Inspector of prisons (or, where his authority does not extend, through the controlling authority), and the Nizamut Adawlut, to the Government, with whom alone rests the power to order release in such cases.—*Notification Govt. W. P. No.* 3200, *June* 6, 1848.

FOR INFIRMITY Rules L. P. for release of short term prisoners when in danger of death.

2581. In all cases when great and mortal sickness prevails in a jail, or when from causes incidental to the place short-term prisoners are liable to fall victims to any disease under which they are labouring, and which has been contracted in their place of imprisonment, Magistrates are vested with a discretionary power of release, without reference to higher authority. In every instance in which such discretionary power is exercised, it must be based in a certificate from the Officer in charge of the medical duties of the Jail, stating briefly the nature of the disease from which the prisoner is suffering, and his belief that there is no reasonable chance of recovery in the prison, or that the said prisoner will certainly die if he remain in confinement. Or, in the event of the occurrence of severe and fatal epidemic disease to which all the inmates of the jail are alike exposed, and from which all are equally liable to suffer, the same discretionary power may be exercised by Magistrates towards short-term prisoners whose period of sentence has nearly expired, and who are not actually labouring under disease, upon the written representation of the Medical Officer that the lives of such prisoners are in imminent hazard from their remaining in the jail. Every instance in which the discretionary power above mentioned is exercised by a Magistrate, must be immediately reported to the Inspector of jails in the form annexed* and cause and date of the release must be carefully entered in the prison register, and attested by the signature of the Magistrate.

Or in cases of severe and fatal epidemics.

Statement of Short-term prisoners released under the operation of C. O. No. 65 *dated 2nd April* 1857, *from the Jail of* ———— .

1	2	3	4	5	6	7	8	9	10	11
Name of Prisoner.	Sex.	Age.	Caste and profession.	Crime.	Sentence and date	By what authority passed.	Unexpired period.	Nature of complaint or epedimic disease, in consequence of which the prisoner is released.	Declaration of the civil Surgeon.	Remarks by the Magistrate.

The object of this order is that a short sentence for a simple misdemeanor, or for any crime which does not bear the stamp of such moral turpitude as to justify the risk of forfeiture of life from accidental causes incidental to imprisonment, may not be liable to become in any circumstances a sentence of death. While, therefore, the interests of humanity require the prompt exercise of the discretionary power now vested in Magistrates in all cases of the nature indicated, the equally powerful claims of justice demand that power shall only be employed when absolutely and urgently required.—*C. O. Insp. Jails, L. P. No.* 65, *April* 2, 1857.

2582. Officers in charge of Jails are authorized to transfer sick prisoners in extreme cases from one Jail to another on their own responsibility, reporting the circumstances to Government as soon as possible. —*C. O. Govt. Bengal No.* 1030, *June* 9, 1847.

Report may be made for release of blind or decrepid prisoner.

2583. When a Prisoner is suffering under blindness or decrepitude, or other incurable infirmity, such as to incapacitate him, if released, from the further commission of crime, and the release of whom therefore would not be attended with mischief or danger, a report is to be submitted in the Lower Provinces to Government by the Magistrate through the Session Judge, with the sentiments of the latter, as to the propriety or otherwise of the elemency of Government being extended to such person.—*C O. No.* 52 *of vol.* 2, *April* 16, 1830, *C. O. Govt. Bengal, No.* 1072, *October* 10*th*, 1844.

Inspector vested with power to release prisoners in mitigation of sentence.

2584. Reports recommending the release of prisoners who are suffering under incurable bodily infirmity, or who are on any other ground recommended for a mitigation of their sentence, are to be forwarded by Session Judges to the Inspector, who is to issue the requisite orders upon them, submitting a quarterly Statement of his proceedings for the sanction of Government.—*C. O. Government Bengal, No.* 49, *May* 5, 1857.

Form of such application.

2585. Such applications are to be made in the form given above. In col. 10 of this statement, the Civil Surgeon is to give his opinion in the form of a declaration: the Magistrate is to fill up col. 11 with his opinion and such observations as the case appears to call for, particularly as regards the general conduct and character of the prisoner, and to forward the statement to the Session Judge; who, provided he agrees with the Magistrate and Surgeon, is to enter his opinion and remarks (in a column to be added for that purpose) and to submit the original statement for the consideration and orders of the Court, retaining a copy of it for record in his own Office. The Magistrate is also to send with the application a copy of the warrant under which the prisoner is confined.—*C. O. No*, 218 *of vol.* 2, *January* 6, 1837. *C. O. No.* 9 *of vol.* 3, *May* 25*th*, 1838, *W. P.*

Opinion of Surgeon required in cases of blindness.

2586. Officers in charge of Jails are warned of the practice prevalent among convicts, with a view to obtain their liberation from jail, of causing temporary, and possibly permanent, loss of vision by applying lime and other injurious substances to their eyes. In applications for the release of prisoners afflicted with blindness, the Surgeon is to record his opinion as to the origin of the calamity, and to state distinctly whether, from the appearance and nature of the malady, there is any reason to suspect that it has been designedly produced, or is purely the result of misfortune.—*C. O. No.* 219, *Dec.* 12, 1845, *W. P. and* 220, *Dec.* 12, 1845, *L. P. of vol.* 3.

Power of release in W P. vested in N. A. in certain cases.

2587. Act XVIII. 1844 does not interfere with the privilage heretofore exercised by the Nizamut Adawlut, under express instructions from the Local Government, of releasing blind and infirm prisoners within certain specified limits.—*C. O. No.* 190 *of vol.* 3, *Dec.* 27, 1844, *W. P.*

Applications in W. P. for release for infirmity to be made through Inspector.

Inspector may release if sentence be for less than three years and to forward to N. A. applications for release of if sentence exceed that term.

But he may reject for sufficient cause.

2588. All applications for the release of blind or infirm prisoners from Jails under the control of the Inspector of prisons, are to be made to him by Magistrates, or other Local Officers in charge. The Inspector is authorized to release all prisoners whose sentence of imprisonment does not exceed three years, and whose bodily infirmity has been certified. He is to forward to the Nizamut Adawlut applications for the release of blind and infirm prisoners, whose sentence exceeds 3 years; but he is allowed to reject altogether such as may appear unworthy of consideration, or open to rejection, by reason either of the enormity of the convict's crime, the turbulence of his character, or other causes. The Nizamut Adawlut is to issue final orders regarding all blind and infirm prisoners, whose sentence does not exceed five years; and is to forward to Government cases in which such prisoners though sentenced to periods of imprisonment beyond 5 years, are deemed proper objects of mercy. From districts

Nizamut Adawlut may release if for less than five years. Other cases to be reported to Government.

If district is not under Inspector.

which are under the Court, but not under the Inspector of prisons, applications are in all cases to be submitted through the Session Judge, or other controlling authority, direct to the Nizamut Adawlut.—*Not. Govt. W. P. No.* 3200, *June* 6, 1848.

Rules under which such applications are to be considered.

2589. Neither blindness, nor any other physical infirmity can entitle to the indulgence of release, before the expiration of the full term of his sentence, a prisoner convicted of murder, wounding with intent to murder, dacoity, highway robbery, burglary, theft, cattle stealing, Child stealing, knowingly receiving stolen or plundered property, arson, rape, or perjury. Blindness, or loss of the use of any of the limbs, or other incurable disease, will ordinarily, entitle prisoners to their release, 1. If they have not been convicted of any of the above-mentioned crimes; 2. If they have never been guilty of unruly conduct, or other gross breach of prison rules, during the time they have been in confinement; 3. If the infirmity which forms the ground of application for release has not in any way been produced or aggravated by any wilful act on the part of the prisoner.—*C. O. Insp. Prisons, W. P. No.* 31, *June* 21, 1852.

Session Judge cannot release on account of ill health, but may authorize removal.

2590. A Session Judge is not competent, to authorize the release from confinement of any convict under sentence of imprisonment, on security or otherwise, without the previous sanction of the Nizamut Adawlut (or Government); but whenever the bodily health of a prisoner is such as, in the opinion of the Civil Surgeon, to render his temporary removal from the Jail or Hospital absolutely necessary, either for his own recovery, or if the disorder be of a contagious nature for the safety of other prisoners, or for any other good and sufficient cause, and the emergency of the case does not admit of a previous reference to Government, the proper course is to authorize and direct the Magistrate to remove him to any suitable building, or to a neighbouring jail, and to report the circumstances without delay to the Court. —*Cons. No.* 1016.

Nor for apprehending other offenders.

2591. A Session Judge is not competent to authorize the release from confinement, on security or otherwise, of any convict under sentence, for the purpose of apprehending offenders.—*Cons.* No. 1013.

2592. Except under the preceeding rules, a Magistrate is not competent to release prisoners before the expiration of their sentences, on account of their state of health, without the authority of Government.—*Cons. No.* 841.

Removal to the Insane Hospital.

2593. The permission of the Government should be obtained for the removal to the Insane Hospital of a prisoner who has become insane while under sentence.—*N. A. R. vol.* 6, *page* 8.

SECTION XV.

OF SECURITY PRISONERS.

To be separated from other prisoners and confined without fetter.

2594 All prisoners detained in custody for security only, more specially such as are not confined as notorious dacoits or other robbers of dangerous character, are to be kept distinct, as far as possible from prisoners convicted of specific offences; and are to be confined without fetters, except when the Magistrate may judge the use of them requisite to prevent the escape of particular prisoners; and in such case the Magistrate is to issue a written order for that purpose to the jailor.—*C. O. No.* 116 *of vol.* 1, *August* 21, 1812.

Not to be removed even to act as approvers.

2595. The removal of prisoners confined in a criminal jail on a requisition of security for good conduct to another district, for the purpose of being induced to give evidence as to approvers before the officers appointed for the suppression of dacoity, is illegal. But if such prisoners have no objection to be removed to the jail of another district for the sake of giving evidence, government may sanction their removal.—*Cons. No.* 1240.

SECTION XVI.

Of the Civil Jail.

2596. The control of the Civil Jail is vested in the Magistrate; he is to visit the Civil Jail once in every week; and to redress all well founded complaints of ill treatment which are preferred to him by the prisoners against the jailor, or other person having charge of them. He is also to be attentive at all times to the health and cleanliness of the prisoners, and to be careful that the Surgeon attends and administers to the sick in the Civil Jail, inlike manner as he is required to attend the Criminal Jail.—*Reg. III.* 1826, *sec.* 2.

Control is vested in Magistrate.

2597. As the Magistrate is reponsible for the safe custody of the Dewany, as well as the Fouzdaree prisoners, the appointment and removal of Native Officers, attached to both jails are vested exclusively in him.—*Const. No.* 442.

And appointment of Native Officers.

2598. The Session Judges, who are directed to visit the criminal jails and to issue to the Magistrates such orders as appear to them advisable for the better treatment and accomodation of the prisoners, are likewise to visit the Civil Jails; and are empowered to issue such instructions, being consistent with the general regulations, as appear requisite for the better treatment and accomodation of the prisoners in the jails, or for enquiry into, and redressing, if established, any alleged grievance or undue restrain t during their imprisonment.—*Reg. IV.* 1816, *sec.* 4.

Judge to visit, and to issue the necessary instructions.

2599. The Judge has no right to be considred as the medium of communication on the part of the Magistrate with the Civil prisoners; nor can the Magistrate constitute his Office the channel of communication between the Judge or Collector and any prisoner confined under Civil process.—*Cons. No.* 1021.

Communication of prisoners with the Magistrate, Judge or Collector.

2600. As Collectors are empowered (by Act 10 of 1859,) to execute their own award, their orders for the confinement and release of defaulters need not pass through the Civil Judge; and the warrant of Collector is sufficient authority to the Civil Jailor to receive or discharge a prisoner.—*C. O. No.* 131 *of vol.* 2, *Jany.* 4, 1833.

Collector empowered to imprison in Civil Jail or to discharge.

2601. It is not competent to a Judge to release a Civil prisoner solely on the ground of illness without the consent of the party at whose instance he was confined.—*Cons. No.* 1114.

2602. The Magistrate is vested with authority to punish, on a summary enquiry, the offences specified in the following section of this regulation.—*Reg. III.* 1826, *sec.* 3.

The Magistrate may punish prisoners.

2603. Refractory behaviour by any prisoner confined under process of the Civil Courts, such as resistance to the jailor, guards or other public Officers, in the regular discharge of their public functions; abusive language to any such Officers, and generally any culpable behaviour towards them, which does not involve a serious act of criminality, such as cannot be duly punished by the Magistrate, and should therefore be brought before the Sessions Court.—*Reg. III.* 1826, *sec.* 4, *cl.* 1.

For culpable behaviour towards Jail Officers.

2604. Any other instance of disorderly conduct of a prisoner, such as riot, attempt to escape, conspiracy with other prisoners with a view to escape, or for the purpose of insurrection, or for any other unlawful or prohibited purpose, abusing or assaulting another prisoner, and generally any misconduct committed by a prisoner whilst in custody, which, under the regulations in force, or from its aggravated nature, does not exceed the competency of the Magistrate, and therefore is more properly cognizable by the Sessions Court.—*Ibid, cl.* 2.

Disorderly conduct, attempt to escape, &c.

2605. A person sentenced to imprisonment in the Civil Jail by the Collector in a case of illicit opium, effected his escape, but was re-apprehended. Held, that as every escape must involve an attempt to escape, he should be dealt with agreeably to the above provisions.—*Cons. No.* 486.

Escape involves attempt to escape.

Power of Magistrate to punish such offences.

2606. The powers vested in the Magistrate for the punishment of the offences specified in the preceding section, which on a summary inquiry appear to have been committed by any of the prisoners confined under Civil process, are declared to be as follows, due regard being had to the nature of the offence, the condition of the prisoner, and every other just consideration applicable to the case.—*Reg.* III. 1826, *sec.* 5, *cl.* 1.

Nature of punishment.

2607. The offences specified in the preceding section are punishable by close confinement or by a reduction of the prisoner's allowance for any term not exceeding two months; the allowance to be in no case reduced below what is consistent with the prisoner's support; and the difference between the prisoners full allowance and the reduced rate, to be carried to the credit of the Government as a fine.—*Ibid, cl.* 2.

2608. If a Civil prisoner, sentenced to a reduction of his allowance for breach of prison rules, satisfies his creditor with a view to obtain his release, the Magistrate cannot commute the punishment so awarded to fine and imprisonment; but the prisoner, on payment of the demand against him must be immediately released.—*Cons. No.* 426.

Rule of procedure in such cases.

2609. The rule for conducting such summary enquiries, and recording such sentences, and for their inspection by the Session Judges, is the same as that prescribed with regard to prisoners confined in the criminal jails by sec. 8, Reg. XIV. 1816, para. 2365.—*Reg. III.* 1826, *sec.* 5, *cl.* 3.

Limitation of power of Magistrate over Civil Prisoners.

2610. Provided, however, that nothing in this regulation is construed to give the Magistrate any jurisdiction whatever over the question of a Civil prisoner's liability to confinement, or title to release, with reference to the Civil process under which he has been sent to jail; or to preclude the judge of the Civil Court, or his ministerial Officers, European or Native, authorized or deputed by him, from visiting the Civil Jail; or the Judge from summoning any Civil prisoner to his court upon matters connected with the Civil process under which he is confined, or for other judicial purpose.—*Reg. III.* 1826, *sec.* 6.

2611. A Civil prisoner cannot be confined in fetters, unless he is suffering under a criminal sentence for having broken jail, in other words, fetters cannot be imposed on a Civil prisoner merely to ensure his safe detention in jail.—*Cons. No.* 624.

Explanation to be given of prisoners confined for one year.

2612. A brief explanation is to be given of the cause of detention when any prisoner: has been confined in the Civil Jail for one year. The Magistrate having the mere custody of the prisoner cannot give this information, which must be sought from the Civil Judge or Collector under whose order the prisoner is confined; when, therefore, the statement regarding the Civil Jail is prepared, the Magistrate is to forward it to these Officers, that they may insert on the back of it the required explanation.—*C. O. No.* 139 *of vol.* 2, *Sept.* 13, 1833.

SECTION XVII.

OF STATE PRISONERS.

By what authority State prisoners are to be confined.

2613. When the reasons stated in the preamble of this Regulation* seem to require that an individual should be placed under personal restraint without any immediate view to ulterior proceedings of

* The preamble of this Regulation is as follows :—

"Whereas reasons of state embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquility in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostilities and from internal commotion, occassionaly render it necessary to place under personal restraint individuals, against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and

a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Secretary to Government, is to be issued to the Officer in whose custody such person is to be placed.—*Reg. III.* 1818, *sec.* 2, *cl.* 1.

Form of warrant to be issued

2614. The warrant of commitment is to be in the following form :—To the (here insert the Officer's designation). Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that (here insert the prisoner's name) shall be placed under personal restraint at (here insert the name of the place) you are hereby required and commanded, in pursuance of that determination, to receive the person abovenamed into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Reg. III. 1818. Fort William the————By order of the Governor General.

A. B.
Secretary to Government.

—*Ibid, cl.* 2.

Such warrant sufficient authority for detention of prisoner.

2615. Such warrant of commitment is to be sufficient authority for the detention of any state prisoner in any fortress, jail, or other place within the territorries subject to the presidency of Fort William.—*Reg. III.* 1818, *sec.*2, *cl.* 3.

Whether within the jurisdiction of Supreme Court or not.

2616. The warrant of commitment of any state prisoner under Reg III. 1818 may be directed to the Sheriff of the jail, of any of the Supreme Courts of Judicature established by Royal Charter in the territories, under the British Government in India, or to the commandant of any fortress, or to the Officer in charge of any jail or other place, in which it is deemed expedient that such state prisoner be confined, in any part of the said territories ; and such warrant is to be sufficient authority for the detention of such state prisoner in the fortress, jail, or other place mentioned in the warrant.—*Act XXXIV.* 1850, *sec.* 1.

Reg. III. 1818 extended to Supreme Court Jurisdiction.

2617. Reg. III, 1818 is extended and applied to every Sheriff, Commandant, or Officer having any state prisoners in custody, under the said regulation, as explained and extended by this Act.—*Ibid, sec* 2.

Reg. III. 1818 has effect in Supreme Court Jurisdiction.

2618. The provisions of Regulation III 1818 relating to the arrest and confinement of persons as state prisoners, shall be in force within the local limits of the Jurisdiction of the Supreme Court.—*Act III* 1858, *sec.* 2.

Former warrants made legal.

2619. Any state prisoner now confined under any such warrant within the Jurisdiction of any of the said Supreme Courts, under the warrant of the Governor General in Council, is to be deemed to have been lawfully committed thereunto.—*Act XXXIV* 1850 *sec. III.*

Arrests made before the passing of this Act legalized.

2620. Any person arrested as a state prisoner before the passing of this act, or now confined as a state prisoner by the order or under the warrant of the Governor General in Council, shall be deemed to have been lawfully arrested and to be lawfully confined.—*Act III* 1858, *sec.* 4.

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whereas it is fit that, in every case of the nature herein referred to the determination to be taken should proceed immediately from the authority of the Governor General in Council ; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in persuance of some judicial proceeding, the grounds of such determination should, from time to time, come under revision ; and that the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating, either to the supposed grounds of such determination, or to the manner in which it may be executed ; and whereas the ends of justice also require, that due attention be paid to the health of every state prisoner confined under this regulation, and that suitable provision be made for his support, according to his rank in life, and to his own wants, and those of his family ; &c."

Officers in charge of such prisoner to make periodical reports to Government.

2621. Every Officer, in whose custody any state prisoner is placed, is on the first of January and first of July of each year, to submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health, and the comfort of such state prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or be modified.—*Reg. III*, 1818 *sec.* 3.

If prisoner is in custody of Magistrate, the Session Judge is to visit him.

2622. When any state prisoner is in the custody of a Magistrate, the Session Judge is to visit such state prisoner, and issue any orders concerning his treatment, which appear advisable, provided they are not inconsistent with the orders of the Governor General in Council issued on that head.—*Ibid, sec.* 4, *cl.* 1.

And to make periodical reports.

2623. The Session Judge is to report to Government half-yearly on the situation of prisoners confined in the Jail, or otherwise in restraint, under the direct orders of Government; noticing at the same time whether they are charged with crimes against the state, or confined on any other ground.—*C. O. No.* 48 *of vol.* 1 *and No.* 7 *of vol.* 3, *para.* 1.

If prisoner is in custody of any other Officer the Government is to instruct some officer to visit him and to make reports.

2624. When any state prisoner is placed in the custody of any public Officer not being a Magistrate, the Governor General in Council is to instruct either the Magistrate, or the Session Judge, or any other public Officer, not being the person in whose custody the prisoner is placed, to visit such prisoner at stated periods, and to submit a report to Government regarding his health and treatment.—*Reg. III* 1818 *sec.* 4, *cl.* 2.

Representations of such prisoner to be forwarded.

2625. The Officer, in whose custody any state prisoner is placed, is to forward, with such observation as appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor General in Council.—*Reg. III* 1818 *sec.* 5.

Early report to be made of the health, and sufficiency of the allowances of such prisoners

2626. Every Officer, in whose custody any state prisoner is placed, is to report to the Governor General in Council, as soon after taking such prisoner into his custody as is practicable, whether the degree of confinement to which he is subjected appears liable to injure his health, and whether the allowance fixed for his support is adequate to the supply of his own wants and those of his family, according to their rank in life.—*Ibid, sec.* 6.

The allowance of such prisoner to be duly appropriated.

2627. Every Officer in whose custody any state prisoner is placed is to take care, that the allowance fixed for the support of such prisoner is duly appropriated to that object.—*Ibid, sec.* 7.

Removal of state prisoners from one place of confinement to another.

2628. The Governor General in Council may order the removal of any state prisoner confined as above from any fortress, jail, or place in which he may be confined to any other fortress, jail, or place of confinement within Her Majesty's Indian Territories.—*Act* 3 *of* 1858 *sec.* 5.

SECTION XVIII.

GREAT JAIL OF CALCUTTA.

Authority over House of Correction vested in Commissioner of Police or such other Officer as Government may appoint

2629. The authority hitherto exercised by the Sheriff of Calcutta over that part of the Great Jail which is termed the House of Correction, shall henceforth cease and determine; and the whole authority over the House of Correction and the prisoners confined therein, is hereby vested in the Commissioner of Police for Calcutta, or in such other Officer as the Government may from time to time appoint.—*Act of Bengal Council No.* 4 *of* 1862 *sec.* 1.

Officer in whom control of House of Correction is vested empowered to take cognizance of breaches

2630. The Officer in whom the control of the House of Correction shall be vested is hereby empowered to take cognizance of all breaches of prison discipline; and to punish prisoners guilty of mutinous or violent conduct or of insolent language, or of contumacious refusal or wilful neglect to perform the work or wilful mismanagement of the work allotted to them, by placing them in soli-

tary confinement, which shall not extend beyond three days, or in separate confinement for not more than seven days, or by confining them in irons for periods not exceeding four days. Provided that no person shall be detained in prison under the provisions of this Act beyond the term of his original sentence. A Register of all persons punished in the House of Correction under this Act shall be regularly kept by the Officer in whom the control of the House of Correction shall be vested, and shall be forwarded to Government once a month. —*Ibid, sec.* 2.

of discipline and to punish prisoners for certain offences.

Proviso. Register of persons punished shall be kept.

2631. The powers entrusted by the preceding section of this Act to the Officer in whom the control of the House of Correction shall be vested, are hereby extended to the Sheriff of Calcutta for the time being as regards criminal prisoners in that part of the Great Jail which will remain under the control of the Sheriff. In the case of mutinous or violent conduct, or where it may be necessary in order to prevent an outbreak, the jailor shall exercise, within that part of the Great Jail which will remain under the control of the Sheriff, the powers laid down in the preceding section of this Act. Provided that the jailor shall, within twenty-four hours of the exercise thereof, report every instance in which he shall exercise such powers to the sheriff, and the sheriff shall have power to annul or alter the order as he may think fit. The Sheriff shall be bound to keep up a Register similar to that mentioned in the preceding section of this Act.—*Ibid, sec.* 3.

Powers specified in section 2 vested in the Sheriff, or the Jailor, as regards criminal prisoners in the Great Jail.

2632. It shall be lawful for the jailor, or for the keeper of the House of Correction, to cause any prisoner sentenced to transportation or penal servitude to be put in irons when it may be necessary to do so for the safe removal of such prisoner from the jail to the place of embarkation.—*Ibid, sec.* 4.

Certain prisoners may be ironed during removal to place of embarkation.

The Government is hereby authorized from time to time to frame Rules for the proper discipline of prisoners in the House of Correction, and of criminal prisoners within that part of the Great Jail which will remain under the control of the Sheriff, with regard to their food, dress, hours of recreation and work, labour, classification, instruction, and all points in any way concerning the regularity and order of the said House of Correction and of such criminal prisoners as aforesaid.—*Ibid, sec.* 5.

Government may frame rules for proper discipline, &c. of prisoners.

2634. These Rules shall be applicable to all persons confined in any part of the said Great Jail or House of Correction under any judicial criminal sentence, whether such persons be confined there for the whole or for a part of their term of imprisonment, or be merely placed temporarily there pending their removal elsewhere, and also to persons awaiting their trial.—*Ibid, sec.* 6.

Rules to apply to all persons confined in the House of Correction or Great Jail under Criminal sentence and also to persons awaiting trial.

2635. Should any person under sentence of death be at any time confined in the House of Correction, the power of the Sheriff to remove the prisoner to that part of the Great Jail which will remain under the custody of the Sheriff or to such other place as may from time to time be fixed on as the place of execution, and to execute that sentence of death shall not in any wise be affected by this Act.—*Ibid, sec.* 7.

Saving of power of Sheriff to remove prisoners sentenced to death to the great Jail, &c.

2636. The Magistrates of Police for the town of Calcutta for the time being appointed under Act XIII of 1856 *(for regulating the Police of the towns of Calcutta, Madras and Bombay and the several stations of the settlement of Prince of Wale's Island, Singapore and Malacca)* shall, on the first day of June next after the passing of this Act and on the 1st day of June in every subsequent year meet at the Calcutta Police Court for the purpose of nominating, and shall then and there nominate two or more of their number, who shall consent thereto to be Visitors of the said Great Jail and House of Correction. One or more of such visiting Magistrates so nominated shall personally visit and inspect the said Great Jail and House of Correction at least three times in each quarter of a year and oftener if occasion shall require, and shall examine into the state of the buildings so as to form a judgement as to any alterations, or additions, which may appear necessary, and

Visiting Magistrates to be appointed and to visit the Great Jail and House of Corrections three times in each Quarter.

into the behaviour and conduct of the Officers of the said Great Jail and House of Correction, and the treatment, behaviour, and condition of the criminal prisoners confined therein.—*Ibid, sec.* 8.

Visiting Magistrates to make quarterly reports to Government.

2637. The visiting Magistrates for the time being shall once in every quarter of a year make a report in writing to the Government, through the Sheriff and the Officer in whom the control of the House of Correction shall be vested respectively, of the state of the said Great Jail and House of Correction, of what additions or alterations are required or shall have been made therein, or any abuses which have come to their knowledge in the management of the criminal prisoners, and of the general state of such prisoners as to discipline, employment, instruction, hard labour, and observances of rules —*Ibid, sec.* 9.

Visiting Magistrates to investigate and punish certain offences

2638. In case any criminal prisoner within the said Great Jail or House of Correction shall be guilty of any repeated offence under section II of this Act, or against the rules to be passed under this Act, or for any greater offence than is punishable under the said section II of this Act, the Sheriff or Officer for the time being having the control of the House of Correction, as the case may be, may notify the same to the visiting Magistrates for the time being. Such visiting Magistrate shall thereupon have power and are required to attend at the Great Jail or House of Correction as the case may be, and enquire upon oath and determine concerning the matter so reported, and to order the offender to be punished by separate confinement for any term not exceeding one calender month, of which six days may be ordered to be solitary confinement in periods of not more than three days each.—*Ibid, sec.* 10.

Punishment for taking or attempting to take prohibited articles into the Great Jail.

2639. Whoever without due permission takes or attempts to take or throws or attempts to throw into any part of the said Great Jail any food or other articles prohibited by the rules to be passed under this Act, shall be liable to be apprehended and brought before any Police Magistrate for the town of Calcutta and on conviction shall be liable to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour for any term not exceeding two months.—*Ibid, sec.* 11.

SECTION XIX.

OF NATIVE INSANE HOSPITALS.

Medical and moral management vested in surgeon.

2640. The immediate charge of these establishments, at Dacca, Moorshedabad, Patna, Benares, Bareilly, and Delhi, are placed, as far as regards the medical and moral management of the patients, under the Surgeons respectively of those cities; and that of the suburbs of Calcutta under the Surgeon attached to the 24 Pergunnahs.—*I. H. rules No.* 1.*

And General superintendence in Magistrate. Magistrate to visit frequently.

2641. The superintendence of each Hospital as to its general condition and management, and to the care bestowed upon the patients, is vested in the Magistrate of the station. † It is his especial duty frequently to visit the hospital lying within his jurisdiction. During these visits he is to observe particularly upon the state of the hospital, as to the due ventilation, cleanliness, and general good conditions of its wards, and to the easy, contented and comfortable circumstances of the patients. He is likewise to listen attentively to any complaints, which the patients wish to make on the subject of their detention; on their general treatment, or on any supposed inattention or ill usage on the part of the Medical Officer, or those in authority under him;—and when any grievances or mismanagement seem to exist, he is immediately to take measures, in communication with the surgeon, for their redress; and is at all times to offer such hints for the direction and guidance of the latter as may seem requisite.—*I. H. rules, No.* 2.

* These Insane Hospital rules were circulated by the Nizamut Adawlut with C. O. No. 69, of vol. 3.

† These hospitals are now under the superintendence of committees, the members of which are appointed by Government.

2642. Once a quarter the Magistrates are to report to the Session Judge upon the condition of the Hospitals under their control, and on the state of the patients as to medical treatment and general comfort. They are to include in their report such observations as they have to offer on the conduct of the surgeons in charge, in so far as relates to their sedulous discharge of the daily duties of the Hospitals, and to the care, humanity, and success with which they appear to treat the unfortunate persons entrusted to their management. It is also the duty of the Magistrates to bring to the notice of Government through the Session Judge any instances of neglect or misconduct on the part of Medical Officers, or of marked disregard of the directions they have deemed it necessary to give on points connected with the internal regulation of the Hospitals, or the management of the patients.—*I. H. rules, No.* 3.

To make quarterly reports to the Session Judge.

And to notice any instances of misconduct on the part of the Medical Officers.

2643. The Hospital is to be frequently visited by the Session Judge, who is to consider himself empowered to visit the various wards, to enquire minutely into the situation and particular cases of the patients, and to suggest to the Magistrate such alterations as may appear advisable, in order to the better regulation of the establishment. He is likewise, whilst making his periodical reports to the Government, to take occasion to remark on the state of the hospital inspected by him, and on its degree of fitness for the purposes for which it is intended.—*I. H. rules, No.* 4, *and C. O. No.* 279 *of vol.* 1 *Nov.* 21*st*, 1823.

Duty of Session Judge.

2644. Should any difference of opinion arise between the Magistrate and Surgeon on points relating to the general management of the hospital, or to the treatment of any individual patient, the question is to be referred to the Session Judge; whose duty it is to interpose with his advice and authority, and, where the merits of the case would seem to require it, to submit the circumstance for the orders of Government.—*I. H. rules, No.* 5.

Any difference of opinion between the Magistrate and Surgeon to be referred to the Session Judge.

2645. Superintending Surgeons are, during every return of their regular tours of duty, to inspect the hospitals lying within the limits of their superintendence; and at least once every month, when the hospital happens to be situated at the head-quarters of their division: during these visits they are to inspect minutely the condition of the buildings, carefully examine the registers and diaries, and make particular enquiry into the state of each patient. They are to consider themselves bound to look attentively to the conduct of the Surgeon, to control his general practice, and in particular cases to modify it in such manner as may be likely to prove beneficial to the patient. In reviewing the state of each hospital in respect of the general management and professional treatment of its inmates, it is their particular duty to see that due attention is paid to the separation, and if practicable, the total disjunction of the male and female branches of the establishment, and to the classification and assimilation of the patients. They are to take care that frequent recourse is had to the cold and hot bath; that unnecessary coercion is never used; that irons are not employed except in extreme cases, and then only manacles or light leg chains; and that, where a preference is given to the strait waistcoat, it is used with discretion, and is neither tied so tight nor kept on so long as to impede respiration, fret and chafe the patient, or prevent him from feeding himself or attending to personal cleanliness.—*I. H. rules, No.* 6.

Duties of superintending Surgeons.

To see that the male and female patients are separated; that frequent recourse is had to baths and that patients are not placed under undue restraint.

2646. The diet and clothing of the patients are to form principal objects of attention to the superintending Surgeons, who will not fail to convey their animadversion to the Surgeons, and through them to the Magistrates, when it appears to them that the supplies in either of those branches are conducted with unnecessary and lavish expenditure on the one hand or undue and injudicious parsimony on the other. They are to observe that the hospitals are kept clean and comfortable; the wards pure and well ventilated; and the drains and necessaries frequently cleared out and washed; that the keepers and other servants are humane and attentive, and that in the general management and economy of the establishment nothing is wanting to that measure of comfort and happiness which is compatible with the deplorable state of the helpless beings composing it.—*I. H. rules, No.* 7.

To attend particularly to the diet and clothing of patients; to the cleanliness of the Hospital; and the behaviour of the keepers.

2647. The Surgeon is regularly to visit the hospital in the morning and evening of each day; and, besides these stated periods, is to give his attendance at all other hours, in which it would seem to be required by any peculiarities in the cases of individual patients; during which visits he is to inspect every division and ward of the hospital, make himself acquainted with the state of all the patients, and issue such directions as may, under the circumstances of the moment, prove necessary.—*I. H. rules, No.* 14.

The Surgeon to visit the hospital morning and evening; and to inspect the wards.

Surgeons to furnish a monthly return.

2648. On the 1st of each month, the Surgeon is to transmit to the Magistrate a return of the patients in the hospital drawn up agreeably to the annexed form. Reports of the same description, but specifying the variety of disease under which each patient labours, are likewise to be forwarded by the Surgeon, in the beginning of every month, to the Superintending Surgeon of the division, for the information of the Medical Board :—

Monthly report of the patients in the Insane Hospital at for the month of

Names.	Age.	Occupation.	Admitted.	Discharged.	Died.	Remarks.

A. B.
Surgeon in Charge.

Abstract of patients in the Insane Hospital for the month of

	Remaining.	Admitted.	Total.	Discharged.	Died.	Remaining	Remarks.
Males,....							
Females,....							
Total.....							

A. B.
Surgeon in Charge.

I. H. rules, No. 13.

Hospital registers and Medical diaries to be kept up; and to be open to inspection by the Magistrate, Judge, and Superintending Surgeon

2649. A regular hospital register and medical diary are to be constantly kept by the Surgeon, in which he is to enter the name, sex, age, temperament, general constitution, and habits of each patient; the history, kind, and duration of his disease; its treatment and progressive condition; together with dates of admission, discharge, and death. In this journal the peculiar nature and course of the malady of each patient, and its exacerbations and remissions, are to be accurately described, and his general treatment both as to discipline and medicine fully detailed. Remarks are also from time to time to be entered on the change produced by any modification in the management, or change in the medicines, employed in the several cases. Such alterations as may occur in the bodily health of the patients should likewise be noted; and where the latter suffers much under acute disorder, a daily report of its progressive changes should be entered. These journals are at all times to be kept open for the examination of the Magistrate, the Session Judge, and the Superintending Surgeon.—*I. H. rules, No.* 15.

Diet, clothing, &c how to be supplied.

2650. The diet, clothing, bedding, cots, cooking and water utensils, and other necessaries, excepting wine and European medicines, required for the patients, are to be supplied by native contractors or sircars appointed by, and in every thing subject to the authority of the Magistrates.—*I. H. rules, No.* 16.

Clothing, bedding, &c to be of what description.

A sufficient stock of every article to be kept on hand.

2651. The articles of clothing, bedding, &c., used in the Hospitals are as far as possible, to be of the like sort and description, for the male and female patients, as those generally employed by individuals of the same classes and rank under the ordinary circumstances of common life. A sufficient stock of every article is at all times to be kept on hand to allow of frequent change and washing, and to admit of such occasional variations as alterations in the weather, or in the health of patients, may, in the opinion of the Surgeon, seem to require.—*I. H. rules, No.* 17.

2652. When fresh supplies of clothing, bedding, cots, charpoys, or other necessaries are needed, an Indent stating the number and description of each article is to be prepared by the Surgeon and submitted to the Magistrate who, on approval, will sanction it and give orders for its being complied with. Upon the articles being delivered to the Hospital, a receipt signed by the Surgeon is to be granted to the person immediately employed in furnishing them.—*I. H. rules, No.* 18.

When fresh supplies of clothing, bedding, cots, &c. are required how to be obtained

2653. The diet of the patients is to be provided in the same manner; and a list specifying the several articles and respective quantities of food required is to be daily made under the inspection of the Surgeon, and given to the native purveyor who is to furnish them accordingly.—*I. H. rules, No.* 19.

Diet how to be provided.

2654. As it does not seem practicable to lay down any precise rules regarding kinds or qualities of food, which it may be proper to administer to the patients under all possible varieties of circumstances, the regulations of this department must in a great measure be left to the judgment and discretion of the Medical Officers in charge. It is, however, to be generally understood, that the articles chiefly expended should as nearly as possible approximate to the best sorts of those commonly used by persons of the same classes in health; and that in all such cases proper and humane indulgence should be shown to the peculiar habits and prejudices of individual patients. On occasion of bodily indisposition, the Surgeon is always at liberty to vary the diet, and to order such extra articles as are requisite under the particular exigencies of each case.—*I. H. rules, No.* 20.

Quality and quantity of food left to the discretion of Surgeon.

2655. At the end of every month a general list of all the articles of diet, clothing, bedding, &c. received during the month from the purveyor is to be made out, under the inspection of the Surgeon and signed and given in by him to the Magistrate, who is to preserve it as a voucher, by which the contractor's account of daily expenditure may, when presented for payment, be duly checked and authenticated.—*I. H. rules, No.* 21.

Surgeon is to sign vouchers for articles received.

2656. The small quantities of wine, with which it may be considered necessary to supply the patients in cases of disease and debility, are to be madeira of the description commonly used in the European Hospitals under this Presidency, and are in like manner to be furnished by the Commissariat Department upon Indents presented by the Surgeon, and bearing the countersignature of the Magistrate and superintending Surgeon. The quantities used for each patient, and the reasons for administering it, are to be regularly entered in the Hospital Diary, and a statement of the total expenditure forwarded once every half-year to the Superintending Surgeon.—*I. H. rules, No.* 22.

Supply of wine.

2657. The European Medicines and Apothecaries' Utensils are to be supplied from the H. C. Dispensary and depôts upon Indents prepared by the Surgeon, according to the customary form, and submitted through the usual channel for the approval of the Superintending Surgeon or Medical Board. In the rare instance in which Surgical aid becomes necessary, the Surgeon is to consider himself at liberty to employ the instruments furnished to him for the general Medical duties of the station to which he is attached.—*I. H. rules, No.* 23.

European medicines and apothecaries' utensils.

2658. The Hospitals are to be lighted up at night; and their cells, wards, areas, grounds and walks kept clean, under the direction and superintendence of the Surgeon, whose peculiar duty it is to see that in these, and in all other points connected with the purity, airiness, and neatness of the buildings, the utmost attention is paid to secure the comfort and welfare of the patients. The floors of the wards and verandahs are to be duly swept, washed, and scoured. The walls of each Hospital and its various compartments are to undergo a thorough white washing at least twice a year; and the doors, windows, and other wooden works are to be painted as often as occasion may require.—*I. H. rules, No.* 25.

Hospitals to be lighted up at night, and their wards, &c., to be kept clean; and the walls to be white washed half-yearly.

2659. Long experience in the history and treatment of insanity having shown, that much may be effected towards the recovery of those afflicted by the healthful employment and exercise of the mind, and the careful banishment of its habitual vicious trains of thoughts, it is expected that the Surgeons of these establishments will devote much of their attention to this important branch of curative means; and that, by indulging the unhappy objects placed under their care with innocent games and other harmless means of recreation, they will endeavour to gain their confidence; and to reclaim them to the enjoyment and exercise of reason. The means best fitted for the useful occupations and amusement of the patients

Patients to be indulged with innocent amusements; and Surgeon may make the necessary disbursement on this account.

as adapted to Native habits must be almost entirely left to the good sense and discrimination of the Medical Officer, who is to consider himself entitled to make such disbursements on this account as may appear necessary and proper. These disbursements are to be made through the medium of the purveyor, and carried to account in the general Contingent Bill.—*I. H. rules, No.* 26.

Rules for admission of patients.

2660. Individuals are to be admitted patients into the Insane Hospitals upon the recommendation of the Magistrate of the Station, or of the Session Judge; and without an order transmitted from either of these authorities, the Medical Officers in charge are in no case to receive or confine a person supposed to labour undermental arrangement. In the event of a person being sent from any of the neighbouring Zillahs, under circumstances justifying his detention, the Magistrate or Senior Civil Servant on the spot is to forward with him a certificate of supposed insanity, which, when countersigned by the Magistrate of the station, will be the Surgeon's warrant for receiving or confining him. Magistrates are also to forward a descriptive roll in duplicate in the annexed form, with the column of remarks filed up by the Surgeon of the district in those cases in which the patient has been attended by him.

Descriptive Roll of Insanes forwarded to the Insane Hospital of from Zillah.

1	2	3	4	5	6	7	8
Name of patient.	Names of near relatives or Members of his family.	Place of residence including names of Village Purgunnah and Zillah.	Caste occupation or trade.	Age.	List of articles as clothes, &c. belonging to the patient and sent with him to the Asylum.	Circumstances that led to the patient having been put under restraint and sent for confinement in the Asylum.	REMARKS. A brief history of the cases the supposed cause of insanity, &c.

COLUMN 3.	COLUMN 4.
Place of residence profession and age.	List of patients property sent with him to asylum as well as of any sold to meet charges, with amount realized by such sale.

In the case of insane European British subjects sent under C O. No. 85, dated 30th April 1841, columns 3, 4, 5, and 6, may be compressed into two columns as shown in the margin.—*I. H. Rule No.* 10 *and C. O. No.* 82 *of vols.* 2, *May* 13, 1831, *and* 104 *of vol.* 3, *L. P. Jan.* 28, *W. P. March* 18, 1842.

Establishment of servants allowed.

2661. Attached to every Hospital there is to be, upon the Monthly Salary of sixteen rupees, a Native Doctor or Compounder, who is constantly to reside on the spot and to be immediately subject to the orders of the Surgeon. At the head of each Establishment is to be a Darogah or head Native-keeper on a Monthly Salary of ten rupees, who under the control and direction of the Medical Officers, is to have the general management of the patients, and to possess authority over the other servants. In the Male branch of the Hospital there is to be for every thirty patients, one Naib Jemadar or deputy keeper on a salary of five rupees; and for every eight patients a peon. Coolie or Nigaban at four rupees; there is to be one Mether on wages of three or four rupees for every twenty patients; and one Naib or barber at three rupees for every fifty patients. For the women's department there is to be a head female keeper at six rupees per month, one female Coolie at four rupees for every eight patients, and one Methranee for every twenty patients. There are also to be common to both branches of the Establishment, a Cook at five rupees wages for every forty patients; a Bheesty at four rupees for every 40 patients; one *Goala* or Hindoo water carrier at four rupees for carrying water to the Cook-room for the use of the Hindoos;

and one dhobi at five rupees for every fifty patients; one *hurkarra* at four rupees is to be allowed for carrying messages; and, when the airing grounds are extensive, one or even two gardeners at four rupees each per month. It is conceived, that the foregoing establishment for servants is calculated upon a scale sufficiently liberal to provide, under ordinary circumstances, for the safe custody of the patients and due attendance on their persons; but the Magistrate is at liberty, in communication with the Surgeon, to augment or diminish it, or to vary its distribution, when such change appears necessary for the benefit of the patients.—*I. H. rules, No.* 27.

Magistrate in communication with Surgeon may augment or diminish it.

2662. The Salaries of the Native Establishment of each Hospital are to be fixed by the Magistrate; and the whole of the servants of every description maintained in it, are to be mustered for inspection at such times as he may choose to direct. Every description of servants attached to the Hospital are placed under the control and orders of the Medical Officers; and without instructions from them, are in no case to have recourse to irons, the strait waistcoat, or other severe restraints. It is the Surgeon's duty to be careful that the patients are never struck; that the keepers invariably abstain from all acts of oppression and unnecessary severity, and under every circumstance behave with mildness, forbearance, and humanity. In instances of gross misconduct, the Surgeon is empowered immediately to discharge the offender; but in ordinary cases he is to represent the circumstances to the Magistrate, and obtain his consent, previously to making any change in the state of the establishment.—*I. H. rules, No.* 28.

Payment and control of native servants.

Treatment of patients by servants.

Rule for discharge of servants.

2663. The expenses attending the support of each of the Insane Hospitals, including the monthly allowances granted to the Surgeon, and to the Native Officers on the establishment, are to be charged in separate monthly Contingent Bills, to be submitted in the customary manner by the Magistrate for audit and for the sanction of Government. An annual account of the total charge for each establishment is likewise to be furnished by the Magistrate, for the information of Government; and all expenses of every description incurred on account of these Hospitals are to be charged under the head of charges general, in the General Department.—*I. H. rules, No.* 29.

Expenses of Hospitals how to be charged.

2664. The following returns are to be furnished annually to Government by the Magistrate, *viz.* a table of the total expenditure in the Insane Hospital, showing also the ordinary daily allowance for each patient; a return of the servants attached to the institution; and a statement of the miscellaneous contingencies incurred.*

Annual statement to be furnished to Government.

Nominal Return of Servants attached to the Institution.

Number.	Names.	Description.	Rate of pay per mensum.			Amount per annum.		
			Rs	As.	Pe.	Rs.	As.	Pe.

Account of Miscellaneous Contingencies during the year 186 .

Articles.	Amount.		
	Rs.	As.	P.

* I cannot find the order under which these returns are furnished; but have taken the forms from those actually in use.

Table shewing in detail the expenditure in the Insane Hospital under the Presidency of Fort William for the year.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Station.	Daily average number of patients.	Total No. of patient dieted per annum.	Total expense for diet per annum.	Total expense for Clothing per annum.	Total expense for Servants per annum	Total expense for rent and repair of Hospital.	Total miscellaneous expenses as per detailed account.	Grand Total of expense per annum.	Expense of diet per man per mensem.	Expense of Clothing per man per mensem.	Expense of Servants per man per mensem.	Total expense of each patient per mensem.	Expense of half caste patients.

Daily Ordinary Allowance for each patient.

Rice.	Dall.	Fish.	Vegetable.	Salt.	Oil.	Ghee.	Dahi.	Curry Stuff	Fire-wood.	Betel leaf or pawn.	Betel-nut.	Tobacco.	Milk.	Flour.	Sugar.	Meat	Vegetables.	Fowls.	Fruits.
Chts.	Chts.	Chts.	Chts.	Chts.	Chts.	Chts.	Chts.	Chts.	Seers.	No.	No.	Chts.	For sick and weak patients quantity undefined.						

See section 48, chapter II, page 189.

CHAPTER VI.

OF FERRIES, TOLLS AND LOCAL IMPROVEMENTS.

SECTION I.

Of Ferries and Ferry Funds.

2665 The immediate Superintendence of the public Ferries is vested in the Magistrates, and the Collectors of Revenue are to refrain from exercising any interference with them.—*Reg. VI.* 1819, *sec.* 2, *cl.* 2

Immediate superintendence vested in Magistrates.

2666. The acts of the Magistrates in the management of ferries are subject to the control of the Superintendent of Police; and all appeals from orders in such matters are to be received and disposed of exclusively by that authority.—*C. O. No.* 29 *of vol.* 3, *L. P. Aug.* 23, *W. P. Dec.* 6, 1839 *and con. No.* 1144.

Subject to the control of the superintendent of Police.

2667. No ferries are to be considered public Ferries, except such as are situated at or near the Sudder Stations of the several Magistrates, or such as intersect the Chief Military Routes, or other much frequented roads, or such as from special considerations it appears advisible to place under the more immediate management of the Magistrate.—*Reg. VI.* 1819, *sec.* 3, *cl.* 1.

What ferries are to be considered Public Ferries.

2668. The Government reserves to itself the power of determining from time to time what ferries are, under the preceding rule, to be deemed public ferries, and as such are to be subject to the immediate control of the Magistrates; and no Magistrate is, without previous authority from Government, to assume the management of any ferry which has not been previously subjected to assessment.—*Ibid, cl.* 2.

The Magistrate is not to assume charge of any ferry as coming within the above rule without the sanction of Government.

2669. Magistrates are to report, through the Superintendents of Police, for the information and orders of Government, when in their judgment ferries should under the foregoing rules, be considered to be public ferries.—*Ibid, cl.* 3.

But is to report to Government.

2670. The power of appointing proper persons to the charge of the public Ferries is vested in the Magistrates, who are authorized, from time to time, to issue such orders as they judge expedient for limiting the rates of toll to be levied at each ferry, for regulating the number and description of boats to be maintained, for preventing exactions, and generally for promoting the efficiency of the Police, and the safety and convenience of the community.—*Ibid, sec.* 4, *cl.* 1.

Magistrate to appoint proper persons to the charge of the public ferries; and to regulate the tolls, boats, &c.

2671. On proof of any wilful breach of these rules, or of other misconduct on the part of the Manjies or other persons in charge of the public Ferries, the Magistrates are empowered (independently of any punishment to which the parties subject themselves under the general regulations) to remove such individuals, and to appoint others in their room.—*Ibid, cl.* 2.

Magistrate to remove such persons on proof of misconduct.

2672. The manjies, or other persons who are vested with the charge of public Ferries, are to engage to cross free of toll the troops of Government with their baggage and Military Stores, as well as all Police and other native Officers of Government, who are actually employed in the public service.—*Ibid, cl.* 3.

What persons are exempted from the payment of tolls at Public Ferries.

2673. All Officers of Government are exempted from the payment of ferry tolls within the division to which they belong, when they are moving in those divisions on the public service; and any Officer not entitled to exemption under this definition of the rule, who prefers a claim to exemption based on the principle which the rule is intended to establish, is to refer his claim, for special consideration and orders to the department to which he belongs.—*C. O. No.* 208 *of vol.* 3, *July* 25, 1845 *L. P.*; *C. O. Sup. Pol.* L. P. No. 9, *Aug.* 8*th*, 1845.

And at all fer-

Lists of Ferries to be constantly exhibited.

2674. A list of all public Ferries, bearing the signature of the Magistrate, is to be constantly stuck up n some conspicuous place in his Cutchery, and in that of the Collector of the District, and likewise in the Thana within the jurisdiction of which they are situated.—*Reg. VI.* 1819, *sec.* 5.

Private boats not to ply for hire in the vicinity of Public Ferries; but attention to be paid to claims for compensation.

2675. Such ferries exclusively belong to Government; and no person is to be allowed to employ a ferry boat plying for hire at or in their immediate vicinity without the previous sanction of the Magistrate: provided however, that due attention is to be paid to all claims for compensation which are preferred by individuals for any loss sustained by them, in consequence of the extension of the authority of Government to ferries hitherto under their private management, and which have not been heretofore let infarm, or held khass, or otherwise deemed subject to assessment on account of Government.—*Ibid, sec.* 6, *cl.* 1.

Plying private boats in the vicinity of Public Ferries is a misdemeanor.

2676. A contravention of the above rule, by parties contrary to order plying their boats in the vicinity of a Government ferry, is a misdemeanor punishable by the Magistrate under the general powers vested in him.—*Cons. No.* 1305.

Claims for compensation to be reported to Government.

2677. Claims of the above nature are to be enquired into by the Magistrate, and his opinion on the merits of each case is to be reported, through the channel of the Superintendent of the Police for the consideration and orders of the Government.—*Reg. VI.* 1819, *sec.* 6, *cl.* 2.

General objects to which the Magistrate is to attend in assuming charge of Public Ferries.

2678. In assuming the management of public Ferries, the general objects of the Magistrates are to be, the maintenance of an efficient Police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditions transport of troops. For the above objects they are to be careful to provide or cause to be provided safe and commodious boats; they are to fix the rates of toll on a very moderate scale, in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX 1816; * they are to adjust the modes of payment, so that the tolls may bear as lightly as possible on the poorer classes of the community; and by leaving a fair profit to the individual, who is chosen for the immediate charge of the ferries; they are to endeavour to secure as far as possible the services of respectable and competent persons.—*Reg. VI.* 1819, *sec.* 7, *cl.* 1.

The above objects to be first attained and surplus collections how to be disposed of afterward.

2679. No collections are to be taken on account of Government from the proceeds of any ferry, until the above objects are fully secured; and if in any case there remains a clear surplus profit, after providing adequately for those purposes the amount collected is to be applied solely to the furtherance of similar objects, such as the repair or construction of roads, bridges, and drains, the erection of *sarais*, or other works of a like nature.—*Ibid, cl.* 2.

Rule of proceeding when ferries yield a surplus revenue.

2680. In cases of the latter description, *viz.* those in which the receipts, of any ferry are sufficient to afford a surplus revenue as above mentioned, the Magistrate, having previously received special authority from Government in that behalf, may and is to require the persons holding or applying for the charge of the ferry, to enter into engagements for the payment, by monthly or quarterly instalments, of such a sum of money as with reference to the estimated surplus appears justly demandable without risking the primary objects above indicated; and if any person in charge of the ferry refuses to enter into an engagement as aforesaid; and does not assign sufficient cause for such refusal to the satisfaction of the Magistrate, it is competent to such Officer to transfer the charge of the ferry to any other respectable and competent person:—provided however that no person in charge of a ferry, who otherwise conducts himself to the Magistrate's satisfaction, is to be removed from his charge under the above rule excepting at the expiration of the Bengal or Fussily year, according to the era current in the province.—*Ibid, cl.* 3.

* The Regulation by which the management of ferries was first entrusted to Officers of Government.

2681. The mode in which collections made under this section are to be paid, whether into the Treasury of the Magistrate or Collector, or any other Public Officer, is to be determined by the orders of Government, and adjusted with the party by the Magistrate at the time of giving him charge of the ferry or ferries entrusted to him: provided, however, that as a general rule all persons in charge of ferries subject to the payment of a rent are, on discharging any instalments, to receive and to be directed to require receipts for the amount, which are to be countersigned by a European Officer of Government.—*Ibid, cl. 4.*

Mode in which collections are to be paid, to be regulated by Government

2682. A person holding the farm of a public Ferry is not authorized to underlet it without the sanction of the Magistrate.* A summary suit by such farmer against his katkinadar would not be cognizable by the Collector under Reg. VIII. 1831 (Act 10, 1859) the mode of proceeding being expressly provided, in such cases, by the above rules.—*Cons. No.* 713.

Farmers of Public Ferries cannot underlet them.

2683. The Magistrate is competent to take security for the good behaviour of persons vested with the charge of public Ferries; and in the case of persons, who under the provisions of the foregoing section, enter into an engagement for the payment of a yearly rent, it is likewise competent to him to require adequate security for the punctual payment of the amount, as it becomes due.—*Reg. VI.* 1819, *sec.* 8.

Security from persons in charge of Public Ferries.

2684. Any person in charge of a public Ferry, whether subject to the payment of rent or not, is at liberty to relinquish the charge on giving 10 days notice to the Magistrate, and on paying any arrears that are due: provided, however, that it is in such case competent to the Magistrate to require any person who so relinquishes the charge of a ferry, or who is removed from such charge, to transfer the boats belonging to the ferry to the persons, who are appointed to succeed him, at a fair valuation, or to retain the boats until others can be provided, making a suitable compensation to the owner.—*Reg. VI.* 1819, *sec.* 9.

Persons in charge of Public Ferries may always relinquish them on giving ten days' notice

2685. If any person having charge of a ferry, subject to the payment of a yearly rent, fails to discharge the amount as it becomes due, he is liable to immediate removal; and the Magistrate after ascertaining the arrear and certifying the default, is to proceed to the recovery of the amount from the party, and his surety, in the manner prescribed by sec. 7, Reg. XVIII. 1817, for the recovery of public money embezzeled by Native Officers, giving at the same time a liberal consideration to any pleas, which the party urges in explanation of the default.—*Ibid, sec.* 10.

Arrears how to be recovered from defaulters.

2686. It is not competent to a Session Judge to receive an appeal from the orders of a Magistrate for the realization of ferry balances.—*C. O. No* 39 *of vol.* 3, *L. P. Jany.* 31, *W. P. March* 27, 1840.

No appeal.

2687. All persons vested with the charge of public ferries, whether paying any rent, or not, are, on accepting the situation to be distinctly apprized, that the Magistrate reserves to himself the power of reducing the rates of toll, or extending the exemptions from the payment of it, at such times and in such manner as appears proper with a view to the public good: provided, however, that in the event of any such measures being adopted, the party in charge of the ferry may relinquish the charge; and the Magistrate is in such case to purchase from him at a fair valuation, or to cause his successor so to purchase, all boats belonging to the ferry with all articles thereunto appertaining.—*Reg. VI.* 1819, *sec.* 11.

Magistrate is always to reserve to himself the power of reducing tolls, or extending exemption.

2688. Provided also that whenever a Magistrate adopts such measures in regard to any ferry for which a rent has been required from the person vested with the charge of it, he is, in communicating his orders to the party aforesaid, at the same time to apprize him, whether he designs to allow any, and what, reduction in the stipulated rent.—*Ibid, sec.* 12, *cl.* 1.

In such case Magistrate to state whether he intends to reduce the rent.

2689. If the person in charge of the ferry is not willing or able to pay the rent so fixed by the Magistrate, he is nevertheless immediately to carry the Magistrates' order into effect, and is

Rule in such cases, if the person in charge is desirous to relinquish it.

* It was observed by the Western Court, that the regulation cited (Reg. VI 1819) does not appear to contemplate the underletting of Public Ferries either with or without the Magistrate's sanction.

to state in his reply to those orders the amount of rent which he is willing to continue to discharge. Should the offer of the party in charge of the ferry appear inadequate, it is competent to the Magistrate to remove him and to place another person in charge of the ferry, purchasing the boats and their appurtenances as aforesaid ; but the person so removed it to be required to pay for the days during which he retains charge, subsequently to the date of his reply to the Magistrate's order, a proportionate rent calculated at such rate only as he has tendered.—*Ibid, cl.* 2.

Ferries not made Public under the above rules.

2690. The foregoing rules are intended to apply exclusively to those ferries, which are declared to be public ferries ; with regard to all other ferries, the Magistrates are not interfere with them, further than is necessary for the general maintenance of the Police, and for the safety of passengers and property.—*Reg. VI.* 1819, *sec.* 13, *cl.* 1.

Penalty for accidents to life or property in consequence of the neglect of the manjees,

2691. Provided however that if any person is drowned or exposed to imminent danger, or if any property is lost or damaged, by the oversetting or sinking of a ferry boat, and it is established, on enquiry before the Magistrate, that the boat was overloaded with passengers or property, or was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghat or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned, or out of repair, is liable to such punishment, as the Magistrate thinks proper to impose not exceeding imprisonment for 6 months, or a fine of 200 rupees.—*Ibid, cl.* 2.

Annual statement of ferries and surplus proceed.

2692. An annual statement made up to the 1st of January of each year is to be forwarded by the several Magistrates to the Superintendents of Police, exhibiting the number of public ferries in each district, the amount of the net assessment realized from such of them as are subject to assessment, and the purposes to which the amount so realized has been appropriated under cl. 2, sec. 7 of this regulation. In submitting to Government the results of those statements, the Superintendents of Police are to offer any suggestions which appear to them calculated to facilitate or to improve the practical operation of the system.—*Reg. VI,* 1819, *sec.* 14.

FERRY FUND COMMITTEES.
I. P
Objects of appointment

2693. The following rules have been enacted by the Government of Bengal for the appropriation of the surplus ferry collection. Rule 1. Committees shall be formed in each District for the management of the surplus ferry funds collected under Regulation VI. 1819, and applicable under cl. 2, sec. 7 of that enactment for the promotion of the convenience and safety of travellers, and the facility of commercial intercourse. Rule 2. Each District Committee shall consist of not more than nine persons. The Magistrate of the District and the Executive Officer of the division are to be ex-officio members of the Committee. The remainder shall in the first instance be appointed by Government upon the recommendation of the Commissioner, and shall consist as well of persons out of the service, Natives and Europeans, as of those who are connected with it. Future vacancies to be filled up by the Commissioner, subject to the approbation of Government. Rule 3. The Commissioner shall be a member of the Local committees and preside at the meetings whenever he is present. He shall also have a casting vote, whether absent or present, when opinions are divided. Rule 4. The Magistrate will from time to time convene meetings of the committee for the transaction of business, giving due notice to the members. Rule 5. No meeting of the Committee shall be held in the absence of the Magistrate ; but the Magistrate and one other member or the Magistrate singly, may transact the business of the committee, if other members after due notice fail to attend. Rule 6. The Magistrate may at his discretion undertake any business, which may be of such a nature as not to bear the delay of a reference to a meeting of the committee , he will on all such occasions report his proceedings at the next meeting. (Rule 7. Divided the country into unions, but for these the divisions of the Commissioners were substituted by order of Government Bengal, No. 912, April 22, 1854.) Rule 9. At the close of each official year, the accountant will ascertain what is the amount of surplus ferry funds in each union during the preceding year, and distribute the total equally amongst the several Districts comprised in it ; the Government reserving to itself the power of making a different allotment of the funds, should such alteration hereafter appear expedient. Rule 10. Each Committee will keep a book in which will be entered minutes of all its proceedings and

Formation of Committee, and nomination of members.

Commissioner to preside and to have the casting vote.

Meeting how to be convened.

Authority required for the transaction of business.

Unions.

Annual apportionment of surplus fund.

Book of minutes.

resolutions. The proceedings of each meeting shall be attested by the members present. Rule 11. Each Committee will apply the funds assigned to it to the completion of new, and the repair of old Public Works, in such manner as it may think fit, reporting at the close of each year the manner in which its funds have been applied, and stating the works to which its attention will be directed in the year ensuing. Rule 13. Provided that no part of the funds shall be expended on station roads or station improvements without the sanction of Government. Rule 14. Each Committee is authorized to entertain executive establishments for carrying on Public Works. Rule 15. These rules relate exclusively to surplus funds accruing after 30th April, 1840. No surplus, which may have accrued in any District before that date, can be extended without the express sanction of Government.—*C. O. Sup. Police L. P. No.* 2 *Jany.* 26, 1848.

Funds to be applied at the discretion of the Committee.

Funds not to be expended on the station.

Executive establishments.

Retrospective limit of these rules.

The following Statements to be submitted annually by Commissioner to Government.—C. O. Govt. Bengal No. 2464, *July 6th,* 1859.

Sketch Estimate of the requirements from Ferry Fund for the works proposed to be undertaken in the Division, during 185 .

1	2			3			4		5	6	7	8
Names of Districts.	Portion of works commenced which remains to be completed in 18, with estimated cost of each.			New works to be undertaken in 18, with estimated cost of each.			Total.		Grand total of cost of works and of establishment.	Remarks by the Committee or Magistrate.	Remarks by the Commissioner on each.	General Remarks by the Commissioner.
	Works.	Length in miles of roads, cannals, &c.	Cost.	Works.	Length in miles of roads, cannals, &c.	Cost.	Cost of works.	Cost of establishment proposed.				

Tabular Statement showing the manner in which the Ferry Funds of the Division have been expended during the year 18 .

1	2			3			4	5			6					7			8	9
Names of Districts.	Balance in hand from previous year.			Allotment for 186 .			Additional sum realized during the year by local subscription in aid of any project.	Grand total of Columns 2, 3, and 4			Explanation of expenditure during the year.					Balance in hand being the difference between the totals in columns 5, and 6.			Remarks by the Committee or Magistrate.	Remarks by the Commissioner.
	For works.	For establishment.	Total.	For works.	For establishment.	Total.		For works.	For establishment.	Total.	Works.	Length in miles of roads, cannals, &c.	Cost.	Establishment Strength	Establishment Cost.	Total expenditure	For works.	For establishment.	Total.		

2694. A memorandum of the funds at the credit of the Committee is invariably to accompany applications to the Commissioner for sanction to outlays on works, &c contemplated by the committee.—*C. .O Sup Police, L. P. No.* 8, *November* 4, 1848.

Instructions for the expenditure of the annual assignment of funds in 1856-57

2695. It is assumed that a sum of 5,000 rupees cannot, in ordinary cases, be safety and efficiently expended under a surveillance costing less than 1200 rupees a year. It is expected that this scale will enable each committee to engage a competent professionally trained person and establishment for their works. Each committee will therefore now understand that the sum set down is placed absolutely at its disposal for the entertainment of an establishment. The sum is not to be all frittered away on mere Office clerks, nor on the salary of a Secretary, unless the Secretary is personally able to prepare plans and drawings and estimate of works, and to undertake the personal Superintendence of the works. As a general rule the Magistrate of the District should be ex-officio Secretary, and of course will receive no salary. If any committee thinks that a less sum is required, or if by combining with any adjacent committee they can thereby diminish the expenditure for establishment and Superintendence, they are authorized to lay out the difference on Public Works : but if they consider a larger sum necessary on this head, they must apply for the sanction of Government. The sum now awarded to each committee is hereby placed at its absolute disposal, subject only to the control of the Commissioner. Each committee is at once authorized to undertake, without further reference to Government all those plans and undertakings which meet with the approval of the Commissioner. It is only in case of a difference of opinion between the Commissioner and the Committee that a reference to Government for sanction will be needful. If the sum allotted is not sufficient to complete the work which any Committee considers itself able to get through in the working season of 1856—57, the Government will be prepared to consider the expediency of granting a further sum on

application made; but no further grants will be made merely according to the estimates of works, the completion of which will not be effected within the present season. As the entire responsibility for the due expenditure of these funds is now made over to the Commissioner and the committee, the Lieutenant-Governor trusts that they will endeavour to make the best use of the resources at their disposal, so as to justify the confidence which has been reposed in them. The committee will not fail to take advantage of the power thus placed in their hands to encourage local subscriptions in aid of the works which they will now be able to undertake without uncertainty or delay. As a general rule the committee should be prepared to double the amount of any subscription tendered to them by any private individuals for useful public works. Each committee is required to submit, on the 30th April 1857, a tabular statement in the form annexed* showing the manner in which its funds have been expended.—*Resolution Govt. Bengal No.* 1308, *September* 12, 1856.

Commissioner has power to transfer the unexpended funds.

2696. The annual allotment of funds to each district is to be based on the average amount of the collection in each revenue division. If the alloted funds of any one District are not spent, or appropriated, for the accomplishment of specific and approved objects within a year from the date of allotment, the commissioner may take the whole or any part of the unexpended or unappropriated balance at the credit of any particular District, and place it at the disposal of the Ferry Fund Committee of any other District of the division, where it appears to be more wanted, or likely to be more beneficially applied; reporting the circumstances in each instance for the information of Government.—*Order Govt. Bengal No.* 912, *April* 22, 1854.

* *Statement of Ferry Fund expenditure during* 1856-57 *to be submitted on the* 30*th April* 1857.

Resolution Government Bengal No. 1308 *September* 12, 1856.

Names of Districts.	Balance in hand from previous year.	Allotment for.	Additional sum realized by local subscription in aid of any project.	Total.	Allowance for establishment.	Explanation of expenditure.	Rs.	A.	P.
						REPAIRS.			
						Note. A full explanation will be given of each item of expenditure on this head.			
						NEW WORKS.			
						Note. A full explanation will be given of each item of expenditure on this head.			
						TOTAL EXPENDITURE.			
						Balance at credit.			

Nomination of members of Committee.

2697. On submitting nominations, through the Commissioner of Circuit, for the appointment of gentlemen, as members of the committee, who are not in the public service, the committee are to report what position those gentleman hold in the District, and why and by whom their nomination has been suggested. The Government should be aided by a distinct expression of opinion by the Commissioner.—*C. O. Govt. of Bengal No.* 1014 *April* 26, 1854 *No.* 24, *June* 21, 1855.

Apportionment of balance remaining at the close of the year.

2698. The unexpended balances of each district at the close of the year are to be carried separately to the credit of each committee, instead of the whole balances of the districts forming one union being added to the funds of the year available for that union, and then divided amongst districts comprising it.—*C. O. Sup. Pol. L. P. No.* 17 *July* 13, 1844.

Suggestions for management of ferries

2699. The following suggestion for the better management of the ferries by the help of the District Committees were circulated with the approbation of Government. (I) The Magistrate is to place before the Committee a statement of the number of the public ferries with the rents derived from each; and the members of the Committee are to be requested to furnish him with information regarding other ferries, which under the provisions of Reg. VI. 1819 ought to be declared public (II) The members are to be requested to superintend the several ferries near to their residences, affording to the Magistrate their aid in checking extortion on the part of the holders of the ferry, as well as in keeping up good boats and efficient crews, reporting to the Magistrate either individually or through the Committee any abuses which exist (III.) The Magistrate, before concluding arrangements for the ferries, is to place before the committee the offers made to him, the numbers of boats, and the strength of the crews to be kept up, and the rates of toll at each ferry, together with all other circumstances for their approval; after obtaining which he is to conclude the engagements, and forward them to the Office of the Superintendent of the Police. The members of the Committee having of course the power to submit any objections through their Secretary or the Magistrate to the same authority. (IV.) The Magistrate and the committee are particularly requested to take into consideration the advantages to be gained by leasing the ferries for longer periods than from year to year. If a reasonable rent is procured, such a measure will encourage the farmer or manager to lay out capital in procuring good boats, and give him a greater interest in his farm; and will have a tendency to prevent the extortion now practised for the sake of obtaining as much profit as possible within the year. The leases might be given for three years at the least (V.) All estimates of expences for boats, ghats, &c., are to be submitted to and approved by the Committee, and sent through them to the Superintendent of Police for sanction.—*C. O. Sup. Pol. L. P. No.* 11 *August* 25, 1842.

Individual members to superintend the ferries near to their residences.

Arrangements for ferries to be submitted to Committee for approval.

Duration of leases of ferries.

Estimates of expenses to be submitted through the Committee.

Expences chargeable to the ferry fund.

2700. The expence of providing boats, rope-bridges and other means of crossing the public mail over rivers and nullahs, is fairly chargeable to the ferry fund. The committees are therefore to take into consideration the lines of post road within their Districts, and to adopt measures for the speedy and secure transit of the public mail over such obstacles as occur in the road.—*C. O. Sup. Pol. L. P. No.* 18, *December* 9*th*, 1842.

Primary object of Committees to make the ferry secure, and to provide accomodation there at for travellers

2701. Before any part of the proceeds of the ferries is applied to other purposes, the ferries themselves should be made in all respects secure; boats suited to the local circumstances of the rivers, on which they are employed, should be provided and maintained in a state of efficiency; and convenient places built for travellers and merchants, who are often unavoidably delayed at them. For these purposes there should certainly be efficient protection afforded by proper Police establishments on the spot paid out of the proceeds of the ferries; and, if possible, there should be made some safe and convenient place of resort of the nature of a sarai, especially at the large and more important ferries. The Superintendent of Police objects to the employment of single Police Officers at out posts.—*Order Govt. Bengal May* 2, 1837, *C. O. Sup. Pol. L. P. No.* 18, *July* 20*th*, 1844.

Annual report of works.

2702, A report is to be furnished annually to the Commissioner by the Committee of the works in progress under their supervision.—*C. O. Sup. Pol. L. P. No.* 2, *January* 27*th* 1844 *and No.* 2 *of January* 5*th*, 1846.

Committees not entitled to convict labour free of expence.

2703. The Ferry Fund Committees cannot expect, in addition to the annual surplus funds, that the convicts should placed at their disposal, which would be equal to a further large money assignment.—*C. O. Sup. Pol. L. P. No.* 766 *April* 2*nd*, 1844.

FERRY FUND COMMITTEES.
W. P.
Objects of Committee
Formation of Committee and nomination of members.

2704. The following rules are in force in the *Western* Provinces. Rule 1. Committees are formed in each District for the management of the surplus ferry funds collected under Reg. VI. 1819, and applicable under cl. 2 sec. 7 of that enactment to the promotion of the conveniences and safety of travellers, and the facility of commercial intercourse. Rule 2. These committees are to consist of the Magistrate and Collector, the Joint Magistrate and Deputy Collector, the Executive Engineer, the Civil Surgeon and any other number of persons whom they may associate wh themselves, subject to the confirmation of the Commissioner of the division, whose approval is necessary. When once so appointed, they are removable only by Government. Three members constitute a quorum for the transaction of business. Rule 3. The Commissioner of the division is a member of the Local Committee, and is to preside at the meetings whenever he is present. He has also a casting vote, whether absent or present when opinions are divided. Rule 4. The country is divided into unions. The surplus ferry funds in these are thrown together, and are divided between the several districts which compose them. Rule 5. At the close of each official year the accountant is to ascertain what is the amount of surplus ferry funds in each union during the preceding year, and is to distribute the total equally among the several Districts comprised in it; but the Government reserves to itself the power of making a different allotment of the funds, if such alteration should appear expedient. Rule 6. Each Committee is to keep a book, in which are to be entered minutes of all its proceedings and resolutions. The proceedings of such meetings are to be attested by the members who are present. Appointments of members of the committee must be entered on the proceedings. This book is always to be open to the inspection of any persons, who desire to peruse it. Rule 7. Any member of a Committee has the power to demand a reference to the Government, through the Commissioner, on any point on which he may differ from the majority. Rule 8. The Commissioner, on the recommendation of the committee, is competent to sanction establishments to the amount of 150 rupees per mensem, and estimates to the extent of 1000 rupees on any one work. Larger undertakings must be submitted to Government. Rule 9. The disbursements are to be exhibited in the Magistrate's accounts, and passed under the rules applicable to such cases. The Magistrates are to pay on an order signed by three members of the Committee and the authority of the Commissioner. Rule 10. The same committee constituted as above are to administer the one-per-cent road fund, but without the restriction on the disbursements contained in rule 8. Rule 11. Certain roads are exempted from the control of the committee.—*O. O. Govt. W. P. February* 10, 1841; *and No* 1053, *A. September* 21, 1854.

Three constitute quorum.
Commissioner to preside and to have casting vote.
Unions.
Annual apportionment of funds.
Book of proceedings.
Member may refer to Government.
Sanction to proposed expenditure.
Disbursements to be noted in Magistrate's accounts.
One per cent road fund.

Rules for management of ferries.
Divided into three classes.

2705. Commissioners are to observe the following rules in the management of the public ferries. Rule 1. In all ferries which are now held Kham they will have effect from the 1st of January 1851, and in all the ferries which are farmed, they will form the conditions on which the next farm will be granted, Rule 2, The rivers on which public ferries are established are divided into three classes as follows:—First Class; the Ganges at and below Daranuggar Ghat, and the Gogra.—Second Class; the Ganges above Daranuggar Ghat and the Jumna at and below Delhi; the Gomtee; the Raptee below Goruckpore; the Gunduk; the Tonse (between Mirzapoor and Alahabad); and the Ramgunga below Bareily.—Third class; all other Steams than the above, being generally such as are fordable during half the year. Rule 3. Tolls shall be levied on all rivers thus classed from parties crossing in boats or over floating bridges. No tolls shall be demanded from persons fording the river. Rule 4. The tolls shall

Tolls not to be levied from persons fording.
Rates and schedule of tolls.

be levied at the rates specified in the annexed Schedule (*) The rates leviable according to this schedule at any particular ferry shall be written legibly in English, Oordoo, and Hindee, in the currency mentioned in the schedule, and also in the equivalent local currency wherever the calculation by pies may not be intelligible to the people; and shall be exposed to public view in some conspicuous place wherever tolls are demanded. The toll keeper shall also have in his possession a copy of the schedule of rates clearly written on paper in English, Oordoo, and Hindee, which he will produce on demand by every passenger who is not on foot, Rule 5. Infraction of the terms of the lease will expose the contractor to annulment of the lease, and to the imposition of a fine, leviable by suit in the Civil Court, not exceeding the twelfth part of the annual rent. The farmer or his servant will also be liable to punishment under the general regulations for any offence which they may commit against the laws in their management of the ferry, Rule 6. Farms shall not be given more than one year, nor to the same person for two contiguous ferries, without the sanction of Government. Whenever a Magistrate may

Infraction of terms of lease.

Farms to be given for one year and not two Ferries to one person.

* *Schedule of tolls to be demanded on each public ferry in the N. W. P.*

Names.	On Rivers, Class 1st.		On Rivers, Class 2nd.		On Rivers, Class 3rd.	Remarks.
	Boats from 15th October to 15th June.	Bridges during 12 months or Boats from 16th June to 14th October.	Boats from 15th October to 15th June.	Bridges during 12 month or Boats from 16th June to 14th October.		
Foot passenger laden, or unladen,..	2 pie.	3 pie.	1 pie.	2 pie.	1 pie.	
Camels unladen, ..	1 anna.	1 anna.	9 pie.	1 anna.	6 pie.	
Do. laden, ...	1½ anna.	2 annas.	1 anna.	1½ anna.	9 pie.	
Cows, bullocks, buffaloes, unladen,...	2 pie.	3 pie.	1½ pie.	2 pie.	1½ pie.	
Do. Do. Do. laden, ..	4 pie.	6 pie.	3 pie.	4 pie.	3 pie.	
Do. in droves of 50 and upwards per 100 unladen,	12 annas	1 rupee.	10 annas	12 annas.	8 annas.	
Do. Do. Do. Do. laden, per 100,...	1½ rupee.	2 rupees.	1¼ rupee.	1½ rupee.	1 rupee.	
Donkeys, laden or unladen, ...	1 pie.	2 pie.	1 pie.	1 pie.	½ pie.	
Tattoos or mules, with riders or laden	4 pie.	6 pie.	3 pie.	4 pie.	3 pie.	
Ditto, led or unladen, ...	2 pie.	3 pie.	1½ pie.	2 pie.	1½ pie.	
Horse with rider or laden, ..	1 anna	1½ anna.	6 pie.	1 anna.	6 pie.	
Ditto, led or unladen, ..	6 pie,	9 pie.	4 pie.	6 pie.	3 pie.	
Byli with riders, drivers, and bullocks	4 annas	6 annas.	3 annas	4 annas.	2 annas.	
Ruth, with Ditto, Ditto, Ditto,..	8 annas	12 annas.	6 annas	8 annas.	4 annas.	
Ekka, ..	3 annas	4 annas.	2 annas	3 annas.	1½ anna.	
Buggies and one horse carriage, ..	6 annas	8 annas.	4 annas	6 annas.	4 annas.	
Two horse carriages, ...	12 annas	1 rupee.	8 annca	12 annas.	8 annas.	
Four horse carriages, ..	1½ rupee.	2 rupees.	1 rup s.	1½ rupee.	1 rupee.	
Carts with bullocks and driver empty, per bullock,	6 pie.	9 pie.	4½ pie.	6 pie.	3 pie.	
Ditto laden per bullock, ...	1 anna.	1½ anna.	9 pie.	1 anna.	6 pie.	
Elephants, ...	1 rupee.	1½ rupee,	12 annas	1 rupee.	8 annas.	
Palanquin, dooly, or miana, with 2 bearers,	6 pie.	9 pie.	3 pie.	6 pie.	3 pie.	
Ditto, with 4 bearers, ..	1½ anna.	2 annas.	1 anna.	1½ anna.	1 anna.	
Ditto, with 6 bearers .	3 annas	4 annas.	2 annas.	3 annas.	2 annas.	
Ditto, with 8 or more bearers, ..	6 annas.	8 annas.	4 annas	6 annas.	4 annas.	
Sheep, swine, and goats, ...	½ pie.	½ pie.	¼ pie.	½ pie.	¼ pie.	

N B.—The above rates include the passage of all persons bonafide accompanying the animals or conveyances therein mentioned.

desire to lease more than one ferry to one person or to grant leases for a longer period than one year he must make a special report on the subject to the Government through the Commissioner Rule 7. The kists payable by the farmer in each month should be calculated as far as possible according to the ratio of the probable receipts in that month. Rule 8. The annexed form of lease B* and counterpart C for

Kists.

Form of lease.

* (B.) Form of Lease of a Public Ferry.

A. B. Inhabitant of C. son of D. is authorized to collect tolls according to the annexed Schedule, from all persons crossing the E. Ghat by the ferry boats, or (floating bridge) over the river F. from January 1st, 186 , to December 31st, 186 , both inclusive. 2. For this purpose he is empowered to station toll gatherers at not more than one place on either bank, who are hereby authorized to prevent any person, with the exceptions below noted, from crossing by the boat (or bridge) till the toll be paid. They are not authorized to prevent persons from fording the river. 3. Tolls shall be levied according to the annexed Schedule, and no toll gatherer shall demand more than the authorized amount. 4. Every toll gatherer is bound to suspend in some conspicuous place, a Schedule of tolls legibly written in English, Oordoo, and Hindee, according to the annexed Schedule. He shall also be bound to keep and produce on the demand of every passenger not on foot a similar Schedule written on paper. The aforesaid farmer A. B. is bound to pay into the Magistrate's Court the following sums by instalments on each date, as mentioned below :—

January 31st, 18	,	..	...	...	...	0	0	0	Co.'s Rs.
February 28th, 18	,	..	...	..	...	0	0	0	„
March 31st, 18	,	..	...	...	..	0	0	0	„
&c. &c. &c.									
				Total		0	0	0	„

6. The following persons shall be held exempted from demand on account of Public Tolls. FIRST.—Military men and camp followers, according to existing orders. SECOND.—Civil Officers of the Government when travelling on the Public Service. THIRD.—Foreign Rulers and their followers or retainers, or other natives of distinction, when especially exempted by order of the Government, or the Commissioner, or the Magistrate. FOURTH.—Cultivators, wood-cutters, grass-cutters, &c., who daily cross, as may be determined between the Magistrate and contractor (This last exemption will vary or be omitted according to local usage.) 7. The aforesaid farmer A. B. is bound to maintain not less than 00 efficient boats always at the Ghat, of 00 maunds burden, measuring 00 feet in length, and 00 in breadth, of which not less than 0 shall have platforms measuring 12 feet each way. The Magistrate shall determine whether the boats provided are sufficiently safe and trustworthy. If the Magistrate declare any boat to be unsafe or unsuited to the purpose, the aforesaid farmer, A. B. shall be bound to provide another within the space of one week. (This clause will of course be different in the case of a floating bridge) 8. The farm shall not be underlet or transferred to another person without the consent of the Magistrate. 9. The infraction of any of the above stipulations will enable the Magistrate immediately to cancel the lease, in which case the farmer will be liable to a fine at the discretion of the Magistrate, not exceeding the twelfth part of his annual rent, the same to be enforced, if not paid by suit in the Civil Court. The farmer or his servants will also be liable to punishment under the regulations in force, according to the circumstances of each case.

(Signed) M. N.
Magistrate.

C. Form of subscription to a copy of the above Lease by way of counterpart engagement.

I A. B. inhabitant of C. son of D. have perused and understood all the stipulations contained in the above lease. To the terms therein prescribed, I give my consent, and hold myself bound by them. In evidence thereof I hereby affix my signature. I also find security for the payment of the instalments fixed in the lease, according to the annexed bond.

(signed) A. B.
Farmer

Witnesses attesting the signature
R.———
S.———

the farm of a ferry shall be generally used, but other stipulations not inconsistent with those that are prescribed may be introduced according to local circumstances. The farmers of bridges should be bound to open the bridge free of charge at stated hours twice in each day for the passage of boats.—*Govt. Order W. P. No.* 3469, *November* 5, 1850; *and No.* 4307, *November* 6, 1847.

Bridges to be opened for passage of boats.

Rules for disbursement of funds Chief object to keep roads in repair.

2706. The Government of the Western Provinces has laid down the following directions for the guidance of the road committees in the disbursement of the funds committed to their charge. Rule. 1. The first object should be to keep all the District roads in a fair state of repair during the season when traffic is most commonly conducted along them. This is the primary object for which the funds are appropriated, and till it is effected there cannot be any surplus for extraordinary purposes. Rule 2. When the existing District roads have been put into ordinary repair, any surpuls which may remain should be devoted to the further improvement of the chief lines of commercial communication. Rule 3. The earliest opportunity should be seized for surveying and marking out these lines and no expensive works should be undertaken upon them till the Superintending Engineer has approved the line, which it is proposed to select. When the reference is made to the Superintending Engineer a copy of the reference should be sept through the Commissioner to Government, in order to ensure early attention to the subject. Rule 4. When the line has been selected and approved for the formation of a metalled and finished road, an estimate should be formed of the expense involved, and a note made of those parts which most need repair and improved means of transit. Rule 5. The first available surplus should be devoted to the improvement of those parts of the road, which offer the greatest obstacles to the passage of vehicles, such as marshes, sand hills, deep nullahs, or rivers; when these obstructions have been removed, then it will be time to pay attention to the less difficult parts of the route, and to place the whole in a completely finished state. Rule 6. Whenever the more perfect and costly modes of overcoming obstructions upon a road cannot be accomplished, palliatives should be introduced so far as means will allow. If a bridge cannot be built, a good ferry boat may be provided, or the descents to the Nullah kept in good repair, and perhaps a paved ford be added. It must always be remembered that one great obstruction, left unremedied, renders useless a whole line of most perfectly finished road, and that these obstructions are the points which require the greatest and most prompt attention. Rule 7. Generally speaking, the provision for bridges and drains upon a line of road is of more importance than raising and metalling. Rule 8. No bridge or masonry work of any size, costing for instance more than 100 rupees, should be commenced without the approval of the Executive Officer, or Superintending Engineer. Rule 9. The Committee will make every practicable exertion to keep themselves informed of the state of the roads in the District, both by personal observation and the reports of casual travellers. The latter may be secured by keeping a book at the Sudder Station which should be presented to all travellers, proceeding otherwise than by dâwk, in order that they may have an opportunity of recording any observations they may have made on the roads over which they passed.—*Govt. Order, W. P. June 5th*, 1844.

Second, to improve chief lines. Lines to be marked out.

Estimate.

Worst parts to be repaired first.

If the best mode cannot be accomplished, expedients to be adopted

Bridges most important Masonry work to be approved by Engineer before commencement.

Committee to keep themselves informed of the state of the roads.

Special annual meeting of committee

2707. In the *Western* Provinces a special meeting of the road and Ferry Fund Committee should be held in the latter fortnight of every August, at which there should be a general review of all that has been effected during the past season, and a careful record and consideration of all projects for the coming year with reference to the funds at the disposal of the Committee. The report of this meeting should be forwarded to the Commissioner so as to reach him before the close of the month of August, and should state to which of the projected works its efforts ought to be directed during the approaching season; and should give a general estimate of their expense and of the disbursements which will probably be necessary for the preservation of existing roads and works. The Commissioner is to preside at the committee of the station, where he may be at the time resident, and should lose no time in considering the merits and practicability of all the proposed undertakings, and in signifying his assent or otherwise, in the former of which cases the committee is to proceed to the execution of them.

Report to be sent to Commissioner.

Committee may refer to Government.

The Committee in case of urgency may request a reference to Government which the Commissioner is to transmit with his own remarks. The rule in paragraph 8 of the notification, dated 10th February 1841 (a) is equally applicable to disbursements from the one per cent. fund; but the preliminary approval by Government is unnecessary in any case of outlay from that fund. Whenever a committee may desire

(a) see Para 2704

to run a road to the boundary of its own District, it should communicate to the local committee of the neighbouring District the proposed line, and point at which it will touch that District, so that the precise direction may be determined with a view to unite the lines proposed by the several District Committees. As soon as possible after the first of each January the Commissioner should submit an annual report and sketch map, stating what may have been effected and at what expense by each Committee in the division during the previous year, and detailing the sanctioned projects for the current year and the estimated expense of each. There should also be a comparative statement of the aggregate proposed outlay, and of the resources at the disposal of both funds.—*O. O. Govt. W. P., No.* 229, *March* 8, 1844.

If proposed road wouldigo beyond the District.

Annual report of Commissioner.

2708. Local Committee for roads are prohibited from entertaining in future any Overseer or Superintendent of roads or other person in their employ, on a salary exceeding 100 Rupees per mensem without the express sanction of Government previously obtained.—*O. O. Govt. W. P., No.* 2095, *July* 11, 1850.

2709. It is hereby notified for the information of all concerned that, with the sanction of the Viceroy and Governor General in Council, the Hon'ble the Lieutenant-Governor has resolved to appoint in each Commissioner's Division, a Civil Divisional Engineer for the purpose of assisting the Road and Ferry Fund committees of the Districts, composing the Division in the preparation of designs for the works under their control in the execution of them.—*Order Govt. W. P. No.* 2012 *A*, 24*th*, *July* 1861, *para.* 1.

Appointment of Civil Divisions Engineer.

2710. There will be three grades of Civil Divisional Engineers as follows *viz.* :—

1st Grade on	Rs.	500	per mensem.
2nd do.	do.	400	do.
3rd do.	do.	300	do.

With a travelling allowance in each case of Rs. 4 per Diem.—*Ibid para* 2.

Their salary and allowances.

2711. Officers belonging to the Public Works Department proper, who may be selected to fill the post of Civil Divisional Engineer, will retain all the privileges and advantages which they now possess in respect of pension, Furlough, and promotion, and they will be permitted to revert to the Public Works Department proper, whenever they may have valid claims to promotion beyond what the funds of the Road and Ferry Fund Committees from which their salaries and allowances will be drawn, can afford.—*Ibid, para.* 3.

Officers of Public Works Department to retain certain privileges.

2712. The Civil Divisional Engineer will be immediately subordinate to the Commissioner of the division to which he may be attached and will aid the Road and Ferry Fund Committee according to rules which may from time to time be laid down by the Local Government.—*Ibid, para.* 4.

Engineer to be subordinate to Commissioner.

SECTION II.

OF TOLLS ON ROADS AND BRIDGES.

2713. The Governor of the presidency of Fort William in Bengal, and the Lieutenant Governor of the North Western Provinces of Bengal, may cause such rates of toll, not exceeding the rates mentioned in the Schedule annexed to this Act,* as they respectively think fit, to be

Local Governments to fix the rate of tolls on roads and bridges.

* SCHEDULE.

	Rs.	As.	Ps.
On every four wheeled carriage on springs	2	0	0
On every two wheeled carriage on springs (except native hackeries)	1	0	0
On every native hackery on springs	0	2	0
On every four wheeled carriage without springs	0	6	0
On every two wheeled carriage without springs	0	4	0

levied upon any road or bridge which has been, or shall hereafter be, made or repaired at the expense of the Government ; and may place the collection of such tolls under the management of such persons as may appear to them proper : and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the land revenue.—*Act VIII.* 1851, *sec.* 2.

In what places only tolls may be established.

2714 No tolls are to be levied on imperial roads passing through the open country, nor on permanent bridges on such roads. They are authorized only when required as a means of making, or of keeping in repair, a road of merely local importance ; or in cases where extraordinary natural obstacles have been overcome as in the roads in the Himalya and in other rugged hilly tracts ; or where a heavy annual outlay is incurred for temporary work, for boat bridges requiring periodical renewal, or for ferries at river crossings, or imperial roads.—*Orders of Supreme Govt. No.* 163, *July* 27, 1860.

Levy of toll by seizure and sale.

2715. In case of non-payment of any such toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll ; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to Superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and all expenses occasioned by such non-payment, seizure, and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property ; and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by Auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said Officer shall forthwith release the property seized.—*Act VIII.* 1851, *sec.* 3.

Troops, Military stores, and Police Officers, exempt

2716. No tolls shall be paid for the passage of troops and Military Stores and equipages on their march, or of Police Officers on duty, or of any person or property in their custody ; but no other exemption from payment of the tolls levied under this Act shall be allowed.—*Ibid, sec.* 4.

Police Officers to assist toll Collectors.

2717. All Police Officers shall be bound to assist the toll Collectors, when required, in the execution of this Act ; and, for that purpose, shall have the same power which they have in the exercise of their common Police Duties.—*Ibid, sec.* 5.

	Rs.	*As.*	*P.*
On every cart and hackery not on springs, and having wheels of less diameter than three feet 6 inches and tires less in breadth than three inches ...	0	8	0
On every cart and hackery not on springs and not having wheels of less diameter than 3 feet 3 inches, tires less in breadth than 3 inches	0	2	0
Buffaloes or bullocks per head, ...	0	0	6
On every elephant, ...	1	0	0
On every camel, ...	0	4	0
On every horse, ...	0	1	0
On every tattoo, ...	0	0	6
On every score of sheep or goats, ...	0	2	0
On every herd of swine per hundred, ...	0	4	0
On every mule, ...	0	0	3
On every ass, ...	0	0	2
On every palanquin or tonjan with bearers, ...	1	0	0
On every palna or small native palanquin with bearers, ...	0	4	0
On every native dooly with bearers, ...	0	2	0
On every person carrying a load for hire, ...	0	0	2

N. B.—Animals drawing any vehicle for which toll can be demanded are not to be also charged with toll.

Punishment for unlawfully levying toll or excess of toll.

2718. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act shall be liable, on conviction before a Magistrate to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar, or affect, his right to have redress by suit in the Civil Court of the Zillah.—*Act VIII.* 1851, *sec.* 6.

Table of tolls to be exhibited at toll gate.

2719. A table of the tolls authorized to be taken at any toll gate or station shall be put up in a conspicuous place near such gate or station legibly written or printed in English words and figures, and also in those of the vernacular language of the District; to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.—*Ibid, sec.* 7.

Appropriation of tolls.

2720. The tolls, levied under this Act, shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair, and maintenance of roads and bridges within the presidency in which they are levied.—*Ibid, sec.* 8.

2721. The following rules, on the subject of Toll Bars established on District or Local Roads in Bengal, are hereby published for general information in supercession of all previous Rules on the subject. The rates of Toll are to be uniform at all gates throughout Bengal and according to the schedule hereby ordered.

The only exemptions from payment of toll will be those which are noted in the undermentioned list. Toll will be levied each time of passing the gate.

The farm of Toll gates is to be offered for sale annually, from the 1st May at a fixed upset price determined by the Magistrate or other Civil Officer in charge.

The sale is to be effected at or near the place, after due advertisement.

A list of Toll gates, and of the amounts realized from the sales, will be published annually for general information.

SCHEDULE.

	As.	*Pie.*
On every four-wheeled carriage on springs,...	8	0
„ ditto two ditto ditto ditto, ...	4	0
„ ditto four ditto ditto without springs, ...	2	0
„ ditto two ditto ditto ditto, ...	1	0
„ ditto elephant, ...	8	0
„ ditto camel, ...	2	0
„ ditto horse, ...	0	6
„ ditto Poney or mule, ...	0	3
„ ditto buffalo or bullock, ...	0	1½
„ ditto score of sheep or goats, ...	1	0
„ ditto herd of swine per hundred, ...	2	0
„ ditto palanquine or tonjon with bearers, ...	4	0
„ ditto dooly with bearers, ...	2	0

N. B.—Animals drawing any vehicle for which Toll can be demanded are not to be charged with Toll.

LISTS OF EXEMPTIONS.

Tolls are not to be taken for Troops, Military stores and equipages.

Tolls are not to be taken for Police Officers on duty.

Tolls are not to be taken for mail carts and horses when on return with syces.

Persons residing in the neighbourhood of Toll Bars may be allowed to purchase season. Tickets to pass their vehicles and animals.—*Not. Govt. Bengal No.* 26, *Jany.* 31, 1862.

SECTION III.

OF PUBLICK WORKS.

General control of Commissioner over roads, &c.

2722. The Superintendents of Police* are to exercise a general control over the public roads, bridges, serais, and kutras, within the limits of their respective jurisdictions.—*Reg. XVII.* 1816, *sec.* 17, *cl.* 1.

Magistrate is to communicate with him regarding such works.

2723. Whenever the local Magistrates are of opinion that any works of the description specified in the preceding clause are necessary in the cities or zillahs subject to their authority, they are to communicate their sentiments upon the subject to the Superintendent of Police, instead of addressing themselves directly to Government.—*Ibid, cl.* 2.

What appoints the Commissioner is to consider, in regard to such works.

2724. On receipt of communications of the description above-mentioned, the Superintendents of Police* are to consider not merely the local advantages which may attend the proposed works, but likewise their tendency to facilitate the communication between the several Districts, and their general utility, whether in the promotion of the commercial or common interests of the country at large.—*Ibid, cl.* 3.

And how far the labour of convicts is available;

2725. The Superintendents of *Police are likewise to ascertain how far the labour of the convicts confined in the several Districts, within their respective jurisdictions, can be employed in the execution of the proposed works without withdrawing them from other works of equal or greater utility.—*Ibid, cl.* 4.

The Magistrate supplying the necessary information.

2726. The Magistrates are to furnish the Superintendents of Police with such information as is required by such Officers in regard to the employment of the convicts and the state of the public works.—*Ibid, cl.* 5.

Steps to be taken if convicts are required from other Zillahs for such works.

2727. Whenever it is necessary, under the orders of Government, to collect any number of convicts together for the execution of public works, and such convicts cannot be supplied from the Sudder Station of the District in which their services are required, the Superintendents of Police* are to make application to Government, stating the number of prisoners required, the work on which it is proposed that they should be employed, and the districts from which in their opinion they can be most conveniently supplied; and the Government is to determine on the expediency of the removal of the convicts, and to issue such instructions on the subject to the local Magistrates as are deemed proper.—*Reg. XVII.* 1816, *sec.* 18.

Report to be made if the Commissioner considers that such works should be undertaken at the expense of Government.

2728. In cases in which the Superintendents of Police* are of opinion, whether on consideration of reports from the local Magistrates or from other sources of information, that any public works, of the description specified above, should be undertaken at the expense of Government, they are to ascertain from the Local authorities, and as far as practicable from the professional persons, the expense to which Government would be subject in the execution of the proposed works, and are to submit, a full and comprehensive report on the subject to Government, containing the necessary information in regard to the utility of the work, together with an estimate of the probable expense attending its execution.—*Regulation XVII.* 1816, *sec.* 19, *c. l.* 1.

* Now the Commissioners of Divisions.

2729. In submitting reports of the above description, the Superintendents of Police are to be careful to ascertain whether any means can be devised for defraying the expense of the proposed works otherwise than from the general funds of Government; and they are to refrain from recommending any expensive undertakings, except in cases which promise to be attended with more than ordinary convenience and advantage.—*Ibid, cl.* 2.

Stating what funds are available for such purposes.

2730. The Government of Bengal, under date the 23rd, March 1854 sanctioned the adoption of the following system for the preservation and maintenance in good repair of all fair-weather roads in Bengal. Immediately after the rains, such roads are to be placed in order, and from time to time as required, and after rain they are to be kept in order; the bill being presented at the end of the season, with a certificate from the Government Officers who have had the best opportunity of judging of the condition in which the roads have been maintained, the expenditure being fixed within a certain sum per mile. This sum, which, according to the climate, the dimensions of the road, the nature of the soil, and extent of traffic, will vary from 30 to 50 and even to 100 rupees per mile, should be well ascertained for sanction by Government, and advance being made at the end of every rainy season, to enable the Officers in charge to place the road in order without delay; any saving on the amount being paid back at the season's end, and a receipt of the Collector appended to the bill. The system may with advantage be carried out for all the fair-weather roads in Bengal.—*C O. Board of Revenue No.* 12, *April* 7, 1854.

System for the preservation and maintenance of fair-weather roads in Bengal.

2731. In the Western Provinces, Magistrates within whose jurisdiction there may exist ancient structures of marked interest and beauty, which, by timely care and at a moderate expense, may yet be protected from decay, are to bring from time to time to the early notice of Government any apparent necessity for the adoption of measures with a view to guard them from destruction. There must of course be a limited selection of objects of this nature.—*Govt. Order W. P. No* 213 *A, Dec.* 7, 1853.

Preservation of ancient structures

SECTION IV.

OF THE ACQUISITION OF LAND FOR PUBLIC PURPOSES.

2732. Sections 1 to 7 inclusive, Regulation 1, 1824 of the Bengal Code; so much of Act XXVIII of 1839 as is in force; Act 1, of 1850; Act XVII of 1850; Act XLII of 1850; Act XX of 1852; and Act I of 1854 are hereby repealed, except so far as they repeal the whole or any part of any other Regulation or Act, and except as to suits or proceedings commenced, contracts made, acts done, liabilities incurred before the passing of this Acts.—*Act VI.* 1857 *sec.* 1.

Laws repealed.

2733. Whenever it appears to the Local Government that any land is required to be taken by Government at the public expense for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to the Government, or of some Officer duly authorized to certify the orders of the Government, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose, and after making such declaration, the Government may take any such land in the manner hereinafter provided.—*Ibid, sec.* 2.

Land may be taken by Government under the provisions of this Act after declaration made that it is required for a public purpose.

2734. Whenever any land shall have been declared to be so required for a public purpose, the Government shall direct the Collector of the District, or some other Officer specially appointed in that behalf, to take order for the acquisition of the land in the manner hereinafter provided.—*Ibid, sec.* 3.

After declaration, Collector shall be directed to take order for acquisition of land as hereinafter provided.

2735. The Collector or other Officer shall thereupon cause the land to be marked out and measured, and a plan to be made of the same. After the land has been so marked out and measured, he shall cause a notice to be affixed in some conspicuous place upon the land, and pub-

Collector shall cause the land to be marked out and measured and plan to be

made of the same, and shall give notice to all persons interested in the land.

lished by proclamation in the neighbouring bazars and villages, to the effect that the land is about to be taken by Government for a public purpose; and shall also give notice to the same effect to the occupier (if any) of such land and to all such persons known or believed to be interested therein or to be entitled by section 38 of this Act to act for persons so interested as shall reside or have agents within the Collectorate or other Revenue District in which the land is situate, by serving such notice on such persons or their agents. Such notice shall contain a citation calling on all persons interested in the land to appear personally or by agent at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice, and to state the nature of their interests in the land and the amount and particulars of their claims to compensation for the same.—*Act. VI.* 1857, *sec.* 4.

Collector to enquire into the value of the land and the amount of compensation to be awarded.

Collector in certain cases to make award which shall be conclusive.

2736. On the day fixed, the Collector or other Officer shall proceed to enquire summarily into the value of the land and the amount of compensation to be awarded, and if he and all the persons interested who have attended in persuance of the notice agree as to the amount of compensation to be allowed, shall make an award for the same: and if the said persons agree also in the apportionment of the compensation, such apportionment shall be specified in the award. The award shall be final and conclusive in regard to the value of the land and the amount of compensation for the same; and also in regard to the apportionment (if any) of the compensation among the persons who have agreed thereto. The Collector or other Officer may, if no claimant shall attend persuant to the notice, or if he shall think fit for any other cause, postpone the enquiry to a day to be fixed by him and notified in the manner provided in the preceding section.—*Ibid, sec.* 5.

Postponement of enquiry.

If no claimant attends or if Collector and persons interested are unable to agree as to the amount of compensation, the dispute shall be referred to arbitrators.

2737. When the Collector or other Officer proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which the enquiry may have been postponed, if no claimant shall attend, or if the said Collector or other Officer shall be unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of arbitrators to be appointed in the manner hereinafter provided.—*Ibid, sec* 6.

In cases of conflicting claims, the persons in possession shall be held for some purposes to be the person interested in the land.

2738. If upon the said enquiry any question arise respecting the title to the land or any rights or interests therein, between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector or other Officer to be in possession as owner, or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the land and the amount of compensation to be allowed for the same, be held as between such persons to be the person interested in the land.—*Ibid, sec.* 7.

After Collector's award or reference to arbitration, possession may be taken and the land shall be vested absolutely in the Government.

2739. When the Collector or other Officer has made an award or directed a referrence to arbitration, he may take immediate possession of the land which shall thence forward be vested absolutely in the Government, free from all other estates, rights, titles, and interest.—*Ibid, sec.* 8.

Appointment of arbitrators.

Collector and person interested each to appoint one.

If joint interest

2740. When any case is referred to arbitration, the Collector or other Officer, and the person interested in the land shall unless they concur in the appointment of a single arbitrator, each appoint one arbitrator; if there be several persons having a joint interest in the land, and they cannot agree in the appointment of an arbitrator, such disagreement shall be deemed a refusal to appoint within the meaning of the next following section.—*Ibid, sec.* 10, *cl.* 1.

If several separate and distinct interests.

2741. If there be several persons having distinct and separate interests in the land, and they cannot agree in the appointment of an arbitrator on their behalf, it shall be competent to

the Collector or other Officer (subject to the orders of the Commissioner or other superior Revenue authority) to refer the question of compensation to be allowed for each of such distinct and separate interests to a separate arbitration ; or to select any one of the persons interested whose interest appears to him to qualify such persons to represent the others, and the person so selected shall appoint an arbitrator on behalf of all the persons interested. In every case the appointment shall be in writing, and neither of the parties to the arbitration shall have power to revoke the same without the consent of the other.—*Act VI.* 1857 *sec.* 10, *cl.* 2.

If no claimant attends, or if no arbitrator is appointed by the persons interested, the arbitrator appointed by the Collector shall proceed to arbitrate.

2742. If no claimant shall have attended, or if the persons interested in the matter in dispute are authorized to act in that behalf refuse or neglect for the period of fifteen days to appoint an arbitrator, then a single arbitrator appointed by the Collector or other Officer shall arbitrate the matter. Provided that the person so appointed shall not be an Officer of Government.—*Act VI.* 1857, *sec.* 11.

Proviso.

Appointment of a third arbitrator.

2743. When more than one arbitrator shall be appointed, the arbitrators shall before they enter upon the matter referred to them, nominate and appoint by writing a third person to act with them as arbitrator, and in case the arbitrators shall neglect to appoint such third person for a period of one week after having been required to do so, the Collector or other Officer shall appoint a third arbitrator.—*Ibid, sec.* 12.

Arbitrator refusing or becoming incapable to act &c.

2744. If any person, on being appointed an arbitrator, shall refuse to act, or after accepting the appointment shall die or become incapable of acting, another person shall be appointed in his stead, in the same manner in which the first person was appointed.—*Ibid, sec.* 13.

The arbitrators may by consent determine the proportions in which the persons interested are entitled to share in the amount of compensation awarded.

2745. When the amount of compensation is referred to arbitration, it shall be competent to the Collector or other Officers, with the written consent of all the persons interested, to require the arbitrators to determine the proportions in which all such persons are entitled to share in the amount awarded.—*Ibid, sec.* 14.

By consent arbitrators may be appointed to apportion the compensation in cases where the amount thereof has been agreed upon or has been settled by arbitration.

2746. When the Collector or other Officer and the persons interested in the land agree as to the amount of Compensation, or when such amount shall have been settled by arbitration, if any dispute shall arise as to the apportionment of the same or any part thereof, if shall be competent to the Collector or other Officer, with the writtten consent of all persons interested in the matter in dispute, to refer the same to arbitration. If the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them shall refuse to accept the arbitration, or, having accepted it, shall refuse to act, and the parties are desirous that the nomination shall be made by the Collector or other Officer, he shall appoint some proper person or persons to arbitrate the matter. The provisions of this Act relating to arbitrators appointed under section 10 and 11 and to the proceedings of such arbitrators shall be applicable to persons appointed arbitrators under this section.—*Ibid, sec.* 15.

Collector to exercise certain powers for securing attendance of arbitrators and completion of award.

2747. After the arbitrators have accepted the appointment, the Collector or other Officer shall be competent to exercise to wards them such powers and authority for securing their attendence and the due completion of their award as the Collector may legally exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence.—*Ibid, sec.* 16.

In default of award within a specified period other arbitrator may be chosen.

2748. If no award be made within a period to be fixed for that purpose by the Collector or other Officer, he may order that the matter shall be referred to another arbitrator or arbitators to be chosen in the same manner and subject to the same rules as the first.—*Ibid, sec.* 17.

Collector to furnish information to the arbitrators and to enforce the attendance and examination of witnesses &c.

2749. The Collector or other Officer shall furnish the arbitrators or so far as may be in his power, procure for them, any information which his records or those of any public department may afford connected with the subject of enquiry. He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them, all such books, papers, deeds, writtings, maps, and plans as they shall require. Persons so summoned shall be subject to all the provisions of the laws inforce regarding persons summoned as witnesses before the Collector when acting judicially.—*Act VI.* 1157, *sec.* 18.

Witnesses to be examined upon oath, &c. before arbitrators.

2750. Every witness examined before the arbitrators, shall be examined upon oath or affirmation to be administered by or made before the said arbitrators.—*Ibid, sec.* 19.

Award of arbitrators.

2751. On the close of the enquiry the arbitrators or a majority of them, shall deliver a full and complete award in respect of the matters referred to them, and shall therein specify (as the nature of the case may require) the amount and particulars of compensation awarded by them, the persons entitled to compensation, and the proportions in which they are so entitled.—*Ibid, sec.* 20.

Arbitrator's fees.

2752. The arbitrators on making their award shall be entitled to reasonable fees for their services, the amount of which shall be fixed by the Collector or other Officer subject to the orders of the Commissioner or other superior Revenue authority.—*Ibid, sec.* 21.

Costs.

2753. The award shall declare the costs of the arbitration and by whom and in what proportion they shall be paid. All costs, including the fees of the arbitrators, incurred for the purpose only of determining the amount of compensation to be allowed for the land, shall be charged to the Government, unless the arbitrators shall award as compensation the same, or a less sum than shall have been offered by the Collector or other Officer, in which case each party shall bear his own costs so incurred and shall also pay a moiety of the fees of the arbitrators. Costs incurred for determining the apportionment of the compensation among the persons interested shall be paid by such persons in such proportions as the arbitrators shall direct.—*Ibid, sec.* 22.

Proceedings of the arbitration to be deposited in the Collector's Office. Copy of award signed, &c. by him to be evidence.

2754. The proceedings of the arbitration shall be deposited in the Office of the Collector or other Officer; and every person interested therein shall be entitled to a copy of the award, on plain paper, under the seal and signature of the Collector or other Officer, which copy shall be *prima facie* evidence thereof.—*Ibid, sec.* 23.

Compensation to include damage done to adjoining land.

2755. When any land is taken under the provisions of this Act, the amount of compensation to be awarded shall include any damage which may be sustained by any of the persons interested therein in respect of any adjoining land held therewith.—*Ibid, sec.* 24.

If compensation be awarded for damage sustained as well as for value of the land, the amount of damage shall be specified separately in the award.

2756. If any compensation beyond the value of the land be warded on account of any damage which may be sustained by any person interested in the land, the award shall specify the value of the land and the amount of such damage separately, and also the name of the person to whom compensation for damage is awarded.—*Ibid, sec.* 25.

Proceeding where land paying revenue to Government is taken.

2757. When any land taken under this Act, forms part of an estate paying revenue to Government, the award shall specify the net rent of the land including the Government Revenue, and the computed value of such rent; and it shall be at the discretion of the Revenue authorities either to pay over the whole of such value to the owner of the estate on the condition of his continuing to pay the jumma thereof without abatement; or to determine what proportion of the net rent shall be allowed as a remission of the Revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.—*Ibid, sec.* 26.

2758. When the amount of compensation to be paid for land taken under the provisions of this Act is determined by the award of the Collector or other Officer under section 5, he shall pay the amount awarded at the time when possession is taken of the land on account of Government. When the compensation is determined by the award of abitrators under section 20, the Collector or other Officer shall pay the amount awarded with interest at the rate of six per cent per annum from the time when possession was taken of the land on account of Government.—*Ibid, sec.* 27.

Amount of compensation when and how to be paid.

2759. Except as provided in the next following section, payment of the compensation shall be made, according to the award, to the persons named therein. Provided always that nothing in this Act contained shall affect the liability of any person who may receive the compensation awarded for any land or any portion of such compensation to pay the same to the person lawfully entitled thereto.—*Ibid, sec.* 28.

Payment of compensation to whom to be made.

Proviso.

2760. If there exist any ground which, in the judgment of the Collector or other Officer, renders it improper to make immediate payment of the compensation, or of any portion thereof, to any of the persons having or claiming any interest in the land or in the compensation awarded in respect thereof, the amount, or such portion of the amount as he may deem sufficient, shall be invested in Government securities, and held in deposit until an order of Court shall be obtained for the payment thereof. Such order shall be obtained in the Court which would have had jurisdiction in respect of the land taken.—*Ibid, sec.* 29.

Payment of compensation may in certain cases be deferred.

Amount to be held in deposit until an order of Court is obtained for payment thereof.

What Court to have jurisdiction to make the order.

2761. If the land taken be within the local limits of any of Her Majesty's Supreme Courts of judicature, and the amount of compensation awarded do not exceed five hundred Rupees, the order may be made by the Court of Small Causes.—*Ibid, sec.* 30.

In certain cases the Small Cause Court may order payment.

2762. No award of arbitrators made in accordance with the provisions of this Act, shall be liable to be reversed or altered, except by the decision of a Civil Court on the ground of corruption or misconduct of the arbitrators. In case the award shall be so reversed, the matter shall be referred to another arbitrator or other arbitrators to be appointed in the same manner as the first. All suits to set outside an award under this Act shall be instituted within three months from the date of the award.—*Act VI.* 1857, *sec.* 31.

Reversal or alteration of award.

Limitation of suits to set aside an award.

2763. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house or other building or manufactory, if the owner desire that the whole of such house, building, or manufactory shall be taken.—*Ibid, sec.* 32.

A part of a house or building not to be taken.

2764. Whenever any land is needed for a road, canal, railway, or the like, and the Local Government makes the declaration provided in section II, it shall not be necessary to specify the extent, limits, or position of the land, but it shall be sufficient to declare the general direction of the line of the work, and the average breadth of the land required for the same.—*Ibid, sec.* 33.

When land is needed for a road canal, &c., the general direction of the line shall be declared.

2765. When any declaration has been made under the provisions of section II. of this Act, the Collector or other Officer may authorize any person, with his servants and workmen, to enter upon the land for the purpose of making a survey thereof; and in the case of a road, canal, or railway, to set out the intended line thereof, and to mark such line by cutting a trench or placing land marks; and where otherwise the survey cannot be completed, and the line marked, to cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter into any house or building or upon the curtilage of any house or any enclosed garden (unless with the consent of the occupier thereof) without previously giving the said occupier twenty four hours notice of his intention to do so.—*Ibid, sec.* 34.

After declaration persons authorized may enter upon the land and make a survey.

Line of road may be marked out land may be cleared.

Previous notice of entry to be given to occupiers of houses &c.

2766. It shall be the duty of the Collector or other Officer to take account of all necessary damage done as aforesaid, and forthwith to offer payment for the same to the persons interested. In case the offer is not accepted, the damage shall be allowed for in the compensation to be allowed.—*Ibid, sec.* 35.

Account of damage to be taken and payment to be offered.

Obstruction to setting out line of work. &c.

2767. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal or railway, or wilfully destroys, damages, or displaces any land mark, or effaces or fills any trench intended to mark such line, shall, on conviction, be liable to be imprisoned for any term not exceeding six months or to fine not exceeding two hundred rupees or to both.—*Ibid, sec.* 36.

2768. Sections 9 and 37 of Act VI. of 1857 are hereby repealed.—*Act II. of* 1861, *sec.* 1.

In Presidency Towns and Straits settlement, commissioner of Police to enforce surrender of land.

2769. Within the Presidency towns of Calcutta, Madras, and Bombay, and within the settlement of Prince of Wales Island, Singapoor, and Malacca, if the Collector or other Officer is opposed or impeded in taking possession, under Act VI. of 1857, of land required for public purposes, he shall apply to the Commissioner of Police of the Town or Station, who shall enforce the surrender of the land.—*Ibid, sec.* 2.

Temporary occupation and use of adjacent land.

2770. The powers conferred by Act VI. of 1857, shall extend, in the case of any Road, Canal, or Railway, to authorize the temporary occupation of any land not more than 100 yards from the centre line of the Road, Canal, or Railway, as marked on the ground, for taking earth or other materials, for making or for depositing thereon superfluous earth or orther materials, or erecting temporary buildings and workshops thereon ; and of any land which may be needed for making temporary Roads or Railways from any public Road or any navigable river to the intended line of Railway : and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement in the same manner as compensation for land permanently taken.—*Ibid, sec.* 3.

Compensation for temporary occupation and for permanent damage.

Occupation and use of adjacent land beyond the limits prescribed in preceding section.

2771. When the Local Government shall be satisfied that in any special case the provisions of the last proceeding section of this Act are inadequate for the purpose of taking ballast or of brick making, or of quarrying for building stone or lime-stone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding section, it shall be competent to the Local Government to extend the provisions of that section to any uncultivated lands situated within two miles from the centre line of the road, canal, or railway : provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this section mentioned, at the time that a declaration shall be made with respect to the land aforesaid, under the provisions of section 2 of Act VI. of 1857. —*Ibid, sec.* 4.

Owner may in certain cases require the land to be permanently occupied.

2772. In any case in which the Local Government shall exercise the power vested in it by the last foregoing section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration, to require the land in question to be permanently taken, and the value thereof to be awarded in the manner prescribed in sections 5 and 6 of Act VI. of 1857, such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.—*Ibid, sec.* 5.

2773. This Act shall be read with and taken as part of Act VI. of 1857.—*Ibid, sec.* 6.

Trustees committees of lunatics &c empowered to act.

2774. In any proceedings under this Act the following persons shall be deemed persons entitled to act as and to the extent hereinafter provided (that is to say.)—A trustee or trustees for other persons beneficially interested shall in all cases be deemed the person or persons entitled to act with reference to any such proceedings, and that to the same extent as the persons beneficially interested could have acted if free from disability. A married woman in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age

or not, to the same extent as if she were unmarried and of full age. The guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability could have acted.—*Act VI.* 1857 *sec.* 38.

Interpretation of terms.

2775. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction (that is to say). The words "the Local Government" shall mean the person or persons for the time being immediately administering the executive Government of that portion of the British Territories in India in which the land in question is situate; and shall include any Chief Commissioner or other Chief Civil Officer of a province whom the Governor General in Council may authorize to exercise the powers vested by this Act in the Local Government. The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, building, trees, or appurtenances thereupon, as well as land. The expression "person interested in the land" shall include all persons interested in the land either for life or for years, or in remainder, reversion or succession, and all mortgages, lease holders, or tenants, not being tenants, by the month or at will, of such land. Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular. Words importing the masculine gender only shall include females. The word "person" shall include a corporation.—*Ibid, sec.* 39.

Local Government.

Land.

Persons interested in land.

Number.

Gender.

Person.

SECTION V.

OF MUNICIPAL COMMISSIONERS.

Government may extend this Act to any but the Presidency Towns.

2776. If it shall appear to the Governor, or Governor in Council, or Lieutenant-Governor, of any Presidency or place within the territorries under Government of the British Government in India that the inhabitants of any Town or suburbs, not within the Towns of Calcutta, Madras, or Bombay, are desirous of making better provisions for making, repairing, cleaning, lighting, or watching any public streets, roads, drains or tanks, or for the prevention of nuisances, or for improving the said town or suburb in any other manner, the said Governor or Governor in Council, or Lieutenant-Governor may order this act to be put in force within such town or suburb. —*Act XXVI.* 1850, *sec.* 2.

Notice to be given of all applications for extension of this Act.

2777. Whenever any application shall be made to the Government for putting this Act in force in any town or suburb, notice thereof shall be given in the Government Gazette of the presidency, or place, and also by proclamation within such town or suburb, settingforth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are so minded, to declare themselves for or against the adoption of this Act therein for such purposes or any of them.—*Ibid, sec.* 3.

Government to decide upon the application and to publish their order.

2778. The Governor, or Governor in Council, or Lieutenant-Governor, shall take all such declarations into due consideration, and, after the time allowed for receiving the same, shall make a final order, which shall be published in the Government Gazette, and also notified by proclamation within such town or suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of

the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.—*Ibid, sec.* 4.

Act to come in to force on the publication of the order.

2779. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said Town or suburb for such purposes as are mentioned in the order; and the making and publication of the said order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said town or suburb for such purposes as are mentioned in the order.—*Act XXVI.* 1850, *sec.* 5.

Appointment of the commissioners for putting this Act in force. Preparation of local rules. Power of Government to remove Commissioners and to fill up vacancies.

2780. Whenever this Act shall come into force in any town or suburb, the Governor or Governor in Council or Lieutenant-Governor shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary to be Commissioners for putting this Act in force, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed; which rules, when approved by the Governnor or Governor in Council or Lieutenant-Governor shall be of the same force within the said town or suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant-Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.—*Ibid, sec.* 6.

Rules to be prepared.

2781. The rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say: 1. The appointment and management of all necessary Officers and servants of the Commissioners and the salaries to be allowed to them. 2. The definition of the persons or property within the town or suburb to be taxed for raising the moneys necessary for the purposes of this Act, whether by house assessment, or town duties, or otherwise; the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and the ensuring the safety and due application of them when collected. 3. The manner in which from time to time the rules in force are to be amended or rescinded, and new rules are to be made, with the approval in every case of the Governor, or Governor in Council or Lieutenant-Governor. 4. The definition and prohibition of nuisances within the town or suburb. 5. The imposition of reasonable penalties for breach of any rule made by the Commissioners, not exceeding fifty rupees, or in the case of continuing nuisance not exceeding five rupees for every day that such nuisance is continued.—*Ibid, sec.* 7.

Power of Commissioners to make contracts and expend money.

2782. The Commissiners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and servants, and in the other expenses incident to the execution of this Act within the said town or suburb.—*Ibid, sec.* 8.

Commissioners not personally liable except for misapplication of money.

2783. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such town or suburb; but every Commissioner shall be liable for any misapplication of the monies collected to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to and at the suit of the Government.—*Ibid, sec.* 9.

Recovery of arrears of taxes and penalties.

2784. The powers of Act II. 1839* for the recovery of fine shall be applied for the recovery of all arreas of taxes and penalties under this Act: and every Magistrate shall put in force the powers of the said Act II. 1839 for that purposes whenever thereunto required by the Commissioners or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.—*Ibid, sec.* 10.

* This Act has been repealed by Act XVII. 1862.

2785. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.—*Ibid, sec.* 11.

Rates not invalid through defect of form: or if property be described as generally known.

2786. All moveable property found in any house or building, or upon any land, assessed under this Act, may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building, or land, under this Act.—*Ibid, sec.* 12.

Moveable property liable to sale for arrears.

2787. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor, or Governor in Council, or Lieutenant-Governor, an account of all works executed by them and of all sums received and spent by them in the forgoing year, in such form and with such vouchers as the Governor, or Governor in Council, or Lieutenant-Governor shall from time to time order.—*Ibid, sec.* 13.

Commissioners to render accounts

2788. The Governor or Governor in Council, or Lieutenant-Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or other Officers in the execution of this Act.—*Ibid, sec.* 14.

Government may suspend this Act and may appoint persons to examine the proceedings.

SECTION VI.

OF CHARITABLE DISPENSARIES.

2789. The following are the rules published by the Governments of Bengal and the Western Provinces for the management of all Charitable Dispensaries supported or aided by the Government. Rule 1. The Collector, Magistrate, and Civil Surgeon of the District shall be ex-officio members of the Local Committee of management. Rule 2. The Government may appoint any other person, whether a public servant or a subscriber to the dispensary, to be a member of the committee. Rule 3. The Commissioner of the division shall be ex-officio a member of the committee, and shall preside at any meeting at which he may be present. He shall have a casting vote, in addition to his own vote, if present, and a casting vote if absent, when opinions are equally divided. Rule 4. All correspondence between the Government and the Local Committee shall be conducted through the medium of the Commissioner. Rule 5. Each committee shall submit to Government, through the Commissioner, half-yearly returns (made up to June 30th and December 31st in each year) of the numbers of patients treated, and of receipts and disbursements, in the accompanying forms. These returns are exclusive of the professional reports submitted to the medical board. Rule 6. Each committee shall appoint its own secretary, whose duty it shall be to see that proper returns and accounts are kept. Rule 7. Each committee shall keep a book in which are to be entered minutes of all its proceedings and resolutions. The proceedings of each meeting shall be attested by the members present. Rule 8. In all matters of a strictly professional description, the committee shall be guided by such instructions as they may receive from the Superintending Surgeon of the Division.

Collector, Magistrate and Civil Surgeon to be ex-officio members.

Government may appoint any other person.

Commissioner to be an ex-officio member and to preside and have a casting vote

Correspondence to pass through Commissioner.

Half-yearly returns of patients and of receipts and disbursements.

Committee to appoint its own secretary.

Committee to keep minutes of proceedings in a book.

In professional matters to be guided by superintending Surgeon.

Form of half-yearly returns of patients.

Half yearly return of patients treated in the Charitable Dispensary from the to the

	Remaining on the	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under.	Treatment.
In door patients, ...										
Out door patients, ...										
Total.....										

Form of half-yearly account.

Half-yearly cash account of the Charitable Dispensary from the to the

Dr.		*Cr.*	
To balance in hand on the		By amount pay of establishment from	
„ Subscriptions collected from to		„ Amount paid for supplied to the in-patients at	
„ Government donation drawn from the month of up to at Rs. per mensem under orders dated the		„ Ditto for half-yearly supply of clothes to the in-patients in list	
„ Interest upon Government promissory Notes drawn in &ca. &ca.		„ Ditto ditto paid to two extra Native Doctors employed in cholera stations in the city.	
		„ Balance in hand.....	
TOTAL RS.....		TOTAL, RS.....	

—*Govt. Order, L. P. October 5th,* 1853 ; *and W. P. No.* 2132 *A, November* 17*th,* 1853.

Monthly report of cases.

2790. Sub-assistant Surgeons are required to submit monthly a detailed report of one medical and one surgical case for the information of Superintending Surgeons through the Civil Surgeon, who is to certify that the cases as reported are correct transcripts from the original copies entered in the register. —*Govt. Order, W. P. No.* 2404 *A, December* 28*th,* 1853.

Superintending Surgeon.

2791. Superintending Surgeons are Ex-officio Members of the dispensary committees within their several circles in the Western Provinces.—*Govt. Order W. P., No.* 2404 *A, December* 28*th,* 1853.

Subscription by residents.

2792. I am directed to call your attention to the circular order of this Government No. 321 dated 12 March, 1859 with enclosures and to observe that Government expects District Officers will exert themselves to induce residents to contribute monthly subscriptions in aid of charitable Dispensaries. If subscriptions are discontinued permanently, the Goverment must withdraw its support.—*Letter of Govt. W. P to Comr. of Allahabad, No.* 1049, 1*st, July* 1859.

Subassistant Surgeon. Scale of pay.

2793. Sub-Assistant Surgeons are of three grades. The scale of allowance is :—under seven years service, Rs. 100. Seven years and under fourteen years, Rs. 150. Fourteen years and upwards, Rs. 200. Mere seniority does not constitute in itself a claim to promotion, and it is distinctly to be understood that high attainments "whether the result of eminent talent or of laborious industry," persevered in for a reasonable time, will give such claim at any time intermediate to the septennial periods.—*Orders of Bengal Govt. January* 6*th,* 1848 ; *Civil Pay Masters Manual, N. W. P., para.* 85.

2794. Full pay for a period to be calculated by the rules for joining is allowed to Sub-assistant Surgeons proceeding from their stations for the purpose of undergoing the septennial examination. This indulgence is only conceded to the Officer for one examination in each rank. If unsuccessful in his examination, all allowances cease when proceeding before a committee at the close of the period for which he was remanded. If the report of the committee is unfavourable, the Officer will remain in the lower rank for the period the committee may remand him to his studies. If the Sub-assistant Surgeon pass a committee for the higher rank, the allowance of the superior grade commences from the day succeeding the date on which he may have completed his last septennial period. But if he pass the committee only on his second examination, the new rank and the superior allowances are held to commence from the expiration of the period for which the committee may have remanded him on his first examination.—*Order of Govt. India August 18th*, 1849, *O. P. M. para.* 851-853. Septennial examination.

2795. The case of a Sub-assistant Surgeon relieved from an office and not posted to another, will be specially considered by Government as it occurs.—*Order of Government N. W. P. August* 28, 1843 *O. P. M. para* 854.

2796. The salary of Sub-assistant Surgeons serving in the Punjab, is fixed at 150, 200 and Rs. 250 per mensem respectively, according to the periods of service given in para 2793.—*Order of Govt. of India January* 2, 1850 *and O. P. M. para.* 855. Salary in Punjaub.

2797. A Sub-assistant Surgeon of the first-Grade, when attached to a Dispensary, to draw Rs. 150 per mensem, until he completes his first septennial period of service; but failing to pass his examination for the second-Grade, his salary to be reduced to Rs. 100 per mensem for the period during which he may be remanded to further study.—*Govt. Order Jany.* 5, 1852 *and O. P. M. para.* 856. Failure to pass examination in Punjaub.

2798. Sub-assistant Surgeons are bound to render medical attendance to all Officers and their Establishments employed in the interior of Districts on Civil duties, such as the conduct of surveys and the construction of Roads, Canals, &c., For every person of such Establishment received into Hospital, the Sub assistant Surgeon to be allowed 3 annas per diem. Travelling and Deputation allowances are drawn, the former at 4 annas per mile, and the latter 3-10ths of salary during absence.—*Order of Govt. N. W. P. Sept.* 25, 1852 *and Oct.* 6, 1848 *and O. P. M. para* 857. To render medical aid to Officers employed in the interior.

2799. Sub-assistant Surgeons when in charge of Dispensaries to draw an allowance of Rs. 20 per mensem, but this is not to be passed if the native Doctor is drawing his Rs. 10 for such charge. The rule to be observed is, that both allowances shall not be drawn by both class of Officers at one Dispensary at the same time.—*Order of Government of India August* 5, 1853 *and O. P. M. para* 858. Allowance for charge of Dispensary.

2800. The rule contained in the preceding para extended to Sub-assistant Surgeons in the Punjab.—*Ibid, Sept.* 13, 1853 *and Ibid, para* 859.

2801. A subordinate Officer taking charge from a Civil assistant Surgeon absent from Head Quarters on Government duty, is not entitled, to any extra allowance, as he is bound to render aid to his supeiror Officer whenever required to do so.—*Ibid, Augt* 29, 1853 *and Ibid, para.* 860.

2802. A Sub-assistant Surgeon when acting for another, will draw the pay of his rank without reference to the station at which, or the person for whom, he acts.—*G. O. N. W. P. December* 29, 1853 *and Ibid,* 861. Acting allowance

2803. Sub-assistant Surgeons who have passed the Medical College, but who have not been posted to receive, until futher orders, an allowance of Rs. 50 per mensem from the date of their submitting a written declaration to the Medical Board of their intention to accept Government employ, and they will at once be distributed as supernumeraries in Bengal and the North Western Provinces, as the wants of the Public service may require. If the Sub-assistant Surgeon shall require an advance for his equipment the sum of Rs. 100 is granted upon application to that effect, or three months, salary, at the rate of Rs. 50 per mensem, may be allowed. The sum is drawn in the Lower Provinces and adjusted by retrenchment of salary in the North Western Provinces. During the period which intervenes between a Sub-assistant Surgeon's employment in one situation and his appointment to another, he will draw the pay of his rank, unless his removal from his last appointment be caused by any fault of his own.—*G. O India, July* 14, 1854 *and Ibid,* 862 *and* 863. Allowance after leaving College. Advance for equipment. Transfer from one appointment to another.

2804. On a Sub-assistant Surgeon receiving charge of the medical duties of a Civil Station in the Punjab, he is no longer to be considered a supernumerary, but is entitled to the higher rate of pay.—*Order of Govt. India Feby.* 24, 1854 *and O. P. M. W. P. para.* 864.

2805. The allowance (vide para 2803) of Rs. 50 a month only, is given to each passed student until he is posted to same appointment, which is considered as a Sub-assistant Surgeon's charge.—*Ibid, July* 14, 1854 *and Ibid*, 865.

Allowance for supernumeraries in Punjaub.

2806. Sub-assistant Surgeons sent as supernumeraries to the Punjab are allowed to draw Rs. 75 per mensem, with an addition of 3-10ths of their salary as travelling allowance, making a total of Rs. 97-8 per mensem, of which three months may be given in advance to enable them to join their appointments.—*Ibid, May* 12, 1854 *and Ibid*, 866.

2807. The Sub-assistant Surgeon in medical charge of the Bhurtpore Political Agency is entitled to the full salary of Rs. 200 per mensem, irrespective of his grade in the service.—*Ibid, August* 31, 1855 *and Ibid*, 867.

Charge of Dispensary.

2808. When a Sub-Assistant Surgeon's only office is the charge of a Dispensary, he should only draw his regular pay. The Governor General in Council does not think that any class of medical men should receive extra pay for having charge of a Dispensary, unless that charge is over and above his regular duties.—*Ibid, March* 18, 1859 *and Ibid*, 870 *and* 871.

Charge of a Station

2809. Sub-Assistant Surgeons of the 1st and 2nd class to draw an additional allowance of Rs. 150, and those of the 3rd class Rs. 100 per mensem, when placed in independent charges usually held by covenanted Medical Officers.—*Ibid, Oct.* 1, 1859 *and Ibid*, 874.

Honorary Rank.

2810. The mere honorary rank of Assistant Surgeon granted to a Sub Assistant Surgeon gives him no tittle to increase of pay, and whilst absent on leave he is entitled to draw his salary from the Civil Department.—*Ibid, May* 18, 1861 *and Ibid*, 875.

CHAPTER VII.

UNCOVENANTED AND MINISTERIAL OFFICERS AND RULES OF OFFICE.

SECTION I.

OF APPOINTMENNT, REMOVAL AND FUNCTIONS OF MINISTERIAL OFFICERS.

OF SUPERIOR COURT.
Who have the final power of dismissing and appointing their Officers.

2811. The Nizamut Adawlut, the Superintendent of Police, and Session Judge, may exercise, without reporting their proceedings for the sanction of Government, the power of appointing, removing, and accepting the resignation of the principal ministerial Native Officers acting under them respectively, as well as all other native Officers on their respective establishments.—*Reg. VIII.* 1809, *sec.* 3.

Resignations always to be received in open Court.

2812. Whenever the head ministerial Officers of the above mentioned authorities are desirous of resigning their Offices, they are required to receive and record such resignation in open Court.—*Reg. V.* 1804 *sec.* 5.

Ground of removal is to be specified in such cases.

2813. Whenever the authorities specified above see cause for the removal of any of their head native Officers on the ground of misconduct, incapacity, or otherwise, they are to communicate to such Officer the grounds upon which they consider him undeserving of continuance in his station, and to call upon him to state what he has to offer in his defence.—*Ibid, sec.* 6.

2814. The Civil and Session Judge is required to report to the Sudder Court, for their information, the removal or resignation of the Serishtadar, Peshkar, or Nazir, attached to his Court within ten days after the same has taken place. The names of the individuals nominated to such Offices are also be reported to the Court in the accompanying form* within the same period after the nomination has occurred.—*C. O. No.* 73 *of vol.* 3 *Novr.* 20*th*, 1840 *L. P.*

The removal of resignation of the Head Officers of the Judges Court to be reported to Nizamut Adawlut.

2815. Whenever any of the ministerial Officers attached to the Court of the Civil and Session Judge receiving a salary of not less than ten rupees a month, is dismissed from the public service for misconduct, a report of the same is to be submitted to the Sudder Court, according to annexed form * with a view to a Register of their names being kept in conformity to the order of the Court of Directors. An extract from the Register is to be forwarded to the Judge annually, to enable him to guard against the admission of improper persons into the public Offices; and these extracts are to be communicated to the several authorities of the District, so as to make the Register of each department available to the heads of the other departments.—*C. O. No.* 115 *and* 125 *L. P. July* 8*th*, *W. P. Sept.* 30*th*, 1842, *L. P. Dec.* 30*th*, 1842 *W. P. March* 3*rd*, 1843 *of vol.* 3.

Session Judge to report dismissal of Officers in order to the formation of a Register.

2816. The Nizamut Adawlut, the Superintendent of Police, and the Session Judge, are to transmit to Civil Paymaster a monthly report of any appointments or removals, which are sanctioned, under the authority vested in them by the above Rules, either of the native Officers on their own establishments, or of those on the establishments of the Magistrates.—*Reg. V.* 1804 *sec.* 21 *Reg. VIII.* 1809 *sec.* 11 *cl*, 2.

Monthly report of appointments and removals to be furnished to the Civil Pay Master.

Return of the names of Sherishtadar, Peshkar and Nazir of the District of

Name of the Officer.	Appointment held by him.	When nominated and by whom.	Age.	Number of years in the public service.	Schedule of the landed property possessed by him.	General remarks as to qualification, &c.
A. B.	Serishtadar.	In 1825 by Mr. C. D.	45	23	One talooks at a jummah of 500 Rs. in Zillah E.	
	Peshkar.					
	Nazir					

Ministerial Officers of the Civil Court of Zillah dimissed from Office for misconduct.

1	2	3	4	5	6	7
Name of the employed.	Name of his father.	Office held by him.	Case of dismission.	Date of dismission.	Description of his person noticing any peculiarities of speech form or feature.	Remarks.

Character Books to be kept of all amlahs drawing 10 Rupees and upwards.

2817. Judges are to keep up character books of their Clerks, Serishtadars, Record Keepers, Nazirs, Mohurers, and all Ministerial Officers drawing ten rupees a month and upwards, under the same rules as those prescribed for Commissioners and Magistrates by the order No. 244. A January 23, 1855. Entries therein are invariably to be made by the head of the Office with his own hand.—*C. O. S. D. A No. 775 April 30th, 1855, W. P.*

2818. The Court of Sudder Dewanny and Nizamut Adawlut, N. W. P. are pleased to notify that the following uniform ministerial Establishment has been approved by the Government for the Offices of the Civil and Sessions Judges throughout the North Western Provinces, and will take effect from the 1st February next.

Zillah Judges will be pleased accordingly to revise their ministerial Establishments without delay, and to reduce them to the scale fixed by the close of the current month.

Number	Name of office.	Salary per Month	Abstract of nature of duties to be performed.
1	Head Clerk and Translator.	120	Translating statements Civil and criminal in duplicate. Copying important letters. Translating the deposit account and Registers A, and B,. Translation from English into Urdoo and vice versa.
2	Second Clerk.	40	Copying usual and less important letters and judgements, and signing true copies of all papers. Keeping up of English Registers, and copying periodical statements after translation. Assisting generally the Head Clerk.
3	Serishtadar	80	General control and servision up of Vernacular Office. Endorsing of Office report, whether the memorandum of appeal be correct or not. Examination of the Register Books and Vernacular Statements. Examination of cases coming up for trial. Reading to the Judge in the absence of the Peshkar, or when directed by the Judge.
4	Peshkar.	50	Reading out every case Civil and Criminal. Writing depositions in original cases Civil and Criminal and in appeals.
5	Decree Navees	20	Writing the original decrees and copies, and copying fair the rough draft of translation made by the Head Clerk. Keeping up the Book of refunds of stamp of *razeenamahs*. Preparing the form of Certificate of the same &c., &c.
6	Record Keeper	25	Examination of all the records received, comparison with their attached lists, and report where necessary. Causing execution to be given to the application for copy by the copyists, and certifying the same, and if any objection exists to giving copy, the submission of a report thereon. Execution of Sudder Dewany Adawlut precepts. Keeping the precept Register &c., &c.
7	Naib Record Keeper.	15	Taking out the cases daily called for, and sending them to the Court, calling for them, and when returned, restoring them to their place. Inserting a memorandum at the time of withdrawl, &c.
8	Nazir.	25 Besides Meeran	Keeping in his custody the property of persons dying intestate, and selling it by auction on receipt of orders to that effect. Submitting a report of the result of the sale, and preparing Register of the property sold by Auction. Attesting securities and supplying the Office with necessary articles such as cloth for *Bustahs* floor &c, causing racks and shelves to be made. Distributing processes to peons and endorsing reports on their return. Preparing Register of Tulbanah,

Number	Name of Office.	Salary per Month.	Abstract of Nature of duties to be performed.
			and submitting a statement after payment of Peons. Keeping in his custody all fees of Ameens, and travelling expenses of witnesses deposited by parties, and rendering an account thereof. Presenting witnesses for examination, &c. &c.
9	Naib Nazir	15	Preparing a daily account of receipts and expenditure, and reporting any discrepancy if found in regard to any item, causing daily a translation of the deposit Register to be made in the English Office, and generally assisting the Nazir.
10	Roobcar Navees.	20	Keeping regular and original Civil Suits pending in Court as well as appeals and miscellaneous cases ; arranging their files. Preparing Registers A and B and causing them to be translated into English. Making over decided cases to Decree writer. Keeping Register of rejected and returned plaints. Writing notices of every kind and interlocutory orders and proceedings, and preparing statements of regular Suits.
11	Roznamcha Navees	20	Keeping daily Register of all papers filed in Court whether in original or appeal, or in miscellaneous cases. Keeping also a Register of stamps.
12	Miscellaneous Mohurir	15	Keeping Register No. II. as well as the cases appertaining thereto and arranging those cases. Recording of depositions in miscellaneo us cases. Copying fair all translations of orders passed in such cases and preparing their statements, &c. &c.
13	Register Navees	15	Keeping Registers of all decided cases and assisting the Record Keeper when at leisure.
14	Sessions Mohurir.	20	Keeping all kinds of criminal cases, copying out the Sessions proceedings and preparing statements. Assisting the Sessions Peshkar while a trial is conducted.
15	Duhpeo	5	The usual duties appertaining to this description of servants.
16	Furrash	4	
17	Sweeper	4	
18	Government Pleader	20	
	Total	513	

—*C. O. No.* 2, *January* 4, *and No.* 6, *January* 20, 1862.

2819. It has lately been brought to the notice of the Court that in one of the Districts under their Superintendence many of the Amlah, both ministerial and executive have had relatives in various Departments of Government employ, within the limits of the same District. The Court cannot too strongly reprobate this practice of allowing the Amlah to establish extensive cliques of the same family in one District. All Officers are accordingly hereby cautioned to avoid the abuse noticed, by careful previous enquiry before making future appointments ; and to discover it where now existing, and apply to its early correction such remedial measures as may be most suitable and proper.—*C. O. No* 4, *April* 26*th*, 1861.

Instructions on the subject of cliquedomy of amlahs with a view to its eradication.

OF MAGISTRATES.

2820. The Superintendents of Police are empowered to confirm the appointment, removal and resignation of the principal ministerial Officers of the Magistrates, as well as of the Record keepers, and the whole of the native Officers on the establishments of the Magistrates and subordinate Courts, receiving a salary of ten Rupees a month or upwards, within their respective

Superintendent of Police (commissioner) has power to confirm the appointment and removals of all native Officers.

Divisions, on receiving from the Magistrates the reports specified in the following clauses.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 1, *and sec.* 7, *cl.* 1; *Reg. I.* 1829, *sec.* 3, *cl.* 1; *Act XXIV.* 1837, *sec.* 4.

All such Officers to be nominated by the Magistrate and report to be made to the superintendent of Police (commissioner.)

2821. The Magistrates are to nominate all such Officers, and are in consequence to be held responsible for selecting persons duly qualified. They are to report fully to the Superintendent of Police any information obtained by them respecting the past employments, character, and qualifications of the persons proposed by them to fill the vacant Offices, and it is competent to the Superintendent of Police to confirm the appointment of the persons so nominated, if he sees no objection thereto; or to call for any further information that appears requisite respecting the past employments, character, or qualifications of the persons proposed; or, if the appointment of such person appears objectionable, to require the Magistrate to nominate another person. No appointment is to be considered final, till so confirmed. But the Magistrate is authorized to make temporary appointments of persons duly qualified, in cases of death, removal, suspension, or resignation, immediately reporting the same for the information of the Superintendent of Police.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 2, *and sec.* 7, *cl.* 2.

Magistrates may make temporary appointments.

And persons so appointed may legally act before confirmation.

2822. Persons so appointed to officiate can legally act as Officers of the Court immediately on their nominations, before their appointments have been reported to the Commissioner of Circuit.—*Const. No.* 618.

The nominating Officer is to certify that the person nominated is not his private servant.

2823. In all nominations of native Officers, the Officer making such nomination is required to state explicitly, that the person so nominated is not disqualified under the provisions of this regulation (*i. e.* is not the private servant of such Officer); and it is at all times the duty of the Superintendent of Police to see that these provisions are observed, as well as to report any wilful infringement of them to Government.—*Reg. VIII.* 1825, *sec.* 4.

The resignation of such Officer is to be received in open Court and transmitted to the Superintendent of Police.

2824. Whenever any native ministerial Officer is desirous of resigning his Office, his resignation is to be received and recorded by the Magistrate in open Court; and is to be transmitted without delay to the Superintendent of Police with the nomination of a proper person to be his successor, in conformity with the above provisions.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 3, *and sec.* 7, *cl.* 2.

The cause for the removal of any such Officer is to be reported to the superintendent of Police (commissioner.)

2825. When a Magistrate sees cause for the removal of any such Officer on the ground of misconduct, neglect of duty, experienced incapacity, or other disqualification, he is to report the circumstances of the case, with his opinion on the subject, to the Superintendent of Police, who is to pass such order as appears proper on the report so made; or to call for further information; or to direct any further inquiry which the nature and the circumstances of the case require.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 4, *and sec.* 7, *cl.* 2.

Without delay.

2826. The Magistrate is to forward such report for confirmation to the Superintendent of Police without delay.—*C. O. Sup. Pol. L. P. No.* 1, *January* 28*th*, 1838.

A special report of dismissed Officers is to be made to the Superintendent of Police for the formation of a Register.

2827. On the dismissal of any ministerial Officer, receiving a salary of not less than eight rupees per mensem, the Magistrate is to forward a report of the same to the Superintendent of Police in the prescribed form (see para. 2845, Note) that he may prepare a Register of the names of such persons, in conformity with the orders of the Court of Directors: an extract from this Register is to be forwarded to the Magistrate at the close of each year to enable him to guard against the admission of improper persons into the Public Offices.—*C. O. Sup. Pol. L. P. No.* 10, *August* 15*th*, 1842.

Magistrate may immediately suspend Officers in cases of gross misconduct.

2828. In cases of gross misconduct, neglect, or incapacity, such as to require the immediate suspension of any such Officer, the Magistrate is authorized to order the same, reporting it with the other information required from him to the Superintendent of Police.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 5, *and sec.* 7, *cl.* 2.

Rule regarding salary of suspended Officer, if restored.

2829. As a suspended Officer is entitled, if restored, to the arrears of his salary, which have accrued during his exclusion from Office, any extra charge, which arises from inattention to the orders for his restoration, may be retrenched, by order of Government, from the allowances of the person by

whose fault the restoration to Office has been delayed, after receipt of orders to that effect from a competent authority.—*C. O. No.* 254 *of vol. I. May* 10*th*, 1822.

The appointment and removal of Officers, drawing less salary than 10 Rupees rests with the Magistrate.

But he is to select proper persons, and is not to remove them, without cause and is to record his reasons for removing them.

2830. Any other inferior native Officer forming part of the fixed Establishments, whose salary does not amount to the sum of 10 Rupees per mensem, may be appointed whenever vacancies occur in the situations of such Officers, and on proof of misconduct or other sufficient cause may be removed by the Magistrate, without any reference to any superior authority. But he is to record upon his proceedings the grounds upon which any native Officer is removed by him; and he is required to exercise the power vested in him, in the appointment and removal of the inferior Officers acting under him, with due regard to the public service and the rights of individuals, by selecting proper persons to fill all vacancies in the situations of such Officers, and by continuing in Office the persons appointed, whether by themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.—*Reg. V.* 1804, *sec.* 14; *Reg. VIII.* 1809, *sec.* 9.

His orders are final in what cases.

2831. The Magistrate's order in regard to the appointment and removal of native (ministerial) Officers receiving a salary not exceeding 10 Rupees is in every respect final.—*Const. No.* 940.

Magistrate may fine any officer one month's salary.

2832. The Magistrate may in addition to the general powers vested in him by the regulations for the punishment of any specific crime or misdemeanor, fine any Officer under his authority for neglect of duty in a sum equal to one month's salary, and cause the same to be levied by a stoppage of the fixed allowance payable to such Officer.—*Reg. V.* 1809, *sec.* 5, *cl.* 5, *and sec.* 7, *cl.* 2.

But cannot award a higher punishment.

2833. The Magistrate is not authorized to sentence to hard labour an Officer guilty merely of neglect of duty, nor to adjudge a fine of more than one month's salary.—*Const. No* 192 *and* 712.

Session Judge cannot interfere with the orders of the Magistrate regarding his Officers.

2834. It is not competent to a Session Judge, to interfere with any order passed by a Magistrate regarding the appointment, suspension, or removal of any ministerial or Police Officer, the revision of which is entrusted to the Superintendent of Police.—*Act, XXIV.* 1837, *sec.* 5.

But he may direct the dismission of any officer convicted of a criminal offence.

2835. A Session Judge, holding a Jail delivery, or the Court of Nizamut Adawlut, may order the dismissal of any native Officer convicted before him, of a criminal offence, which under any express provision in the regulations is punishable by dismission from Office; or, though not so expressly declared, if the conduct of such native Officer appears, from any proceeding before the Session's Court or Nizamut Adawlut, to be such as to require his removal from the puplic situation held by him. On the same being notified to the Magistrate or other European public Officer, under whom the native Officer so dismissed has been employed, it is the duty of the Magistrate, or other European Officer, to take measures for the appointment of a successor to the vacant Office in conformity with the Regulations.—*Reg. XXV.* 1814, *sec.* 15, *Reg. XVII.* 1816, *sec.* 7 *cl.* 8.

What appeals lie to the Commissioner.

2836. The appeals of parties seeking redress from orders of Magistrates dismissing them from their situations, such orders not being part of the sentence passed in any criminal trial, cannot be heard by the Session Judge, but lie under the law to the Commissioner.—*C. O. No* 35 *of vol* 3, *November* 22*nd*, 1839.

What appeals lie to Judge.

2837. Appeals from the orders of the Magistrate preferred by Officers other than ministerial or Police Officers lie to the Session Judge.—*C. O. No.* 119, *of vol.* 3 *L. P. Sept.* 16*th*, *W. P. Oct.* 15*th*, 1842.

Appeals may be forwarded by Dâk

2838. Commissioners may receive and act upon petitions from suspended Officers forwarded by the Dâk provided they are written on stamp paper.—*Const. No.* 344.

Or may be presented to the Magistrate who is to forward them with the papers of the case, if

2839. Ministerial Officers dissatisfied with the orders of a Magistrate, may present their petitions of appeal to the Magistrate, if written on the proper stampt paper; and, if it be presented within the usual period allowed to appellants, the Magistrate is bound to forward the appeal with the papers of the case for the orders of the Superintendent of Police. In case the Officer suspended

written on stampt paper and presented within the proper period.

If the appeal is forwarded by Dâk it must be accompanied by copies of the proceedings appealed against.

Facilities to be given for personal attendance of appellant during the hearing of his appeal.

or dismissed does not present his petition of appeal to the Magistrate within the period allowed, he is to refuse to accept it, and is to refer the Officer to a personal appeal at the Office of the Superintendent.—*C. O. Sup. Pol. L. P. No.* 20, *May 9th*, 1838.

2840. If the course prescribed in the above order is not adopted by Police Officers appealing, they must forward to the Superintendent with their petitions of appeal copies of the proceedings ordering their dismissal, without which their petitions will not be attended to. One of the two courses referred to must be followed.—*C. O. Sup. Pol. L. P. No.* 24, *November 2nd*, 1844.

2841. When appeals are received by dâk, and no one is present at the station of the Commissioner to attend at their hearing they may, without objection, be taken up and disposed of as the Commissioner may find to be most convenient, with reference to the other business which demands his attention. But where parties interested in an appeal whether as principals or Agents, are in attendance, the hearing should invariably be held by the Commissioner in his Public Office, with a sufficient previous notice of the day fixed by him for the purpose, so that those concerned may have full facility for appearing and for making such statements as they may wish to offer in support of their applications. The order on the appeal should also be passed in their presence, and personally explained to them by the Commissioner.—*C. O. Govt. W. P. No.* 49 *A*, *January 11th*, 1854.

Superintendent of Police may dismiss Officers of his own accord.

2842. The Superintendent of Police is fully competent, of his own accord and on sufficient ground, to remove any of the Officers, whom he is competent to remove on reference from the Magistrate.—*Const. No.* 62.

A Commissioner cannot declare a person excluded from future employ in his division.

2843. A Commissioner of circuit has no power to declare a native Officer perpetually excluded from future employ in his division, although he is of course competent to decline sanctioning his nomination to any responsible situation during the period he is in charge of the division.—*Const. No.* 1065.

The Nizamut Adawlut can not revise the orders of the Superintendent of Police.

2844. The orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministerial Officer of a Magistrate, passed under the provisions of this act, are not open to revision by the Nizamut Adawlut.—*Act XXIV.* 1837, *sec.* 6.

Magistrate need not report the dismissal of any Officer to the Nizamut Adawlut.

2845. No report to the Nizamut Adawlut is necessary previous to the dismissal of any Ministerial Officer of a Magistrate's Court. It should be made to the Superintendent of Police, who is competent to pass such orders as the case requires.—*Const. No.* 792.

But Govt. or the Nizamut Adawlut may order the dismissal of any Officer.

2846. Nothing in this regulation is to be constructed to preclude the Government, or the Court of Nizamut Adawlut, from ordering the removal of a Native Officer, upon just and sufficient ground appearing for such order; nor to prevent the exercise of the general authority vested in the Nizamut Adawlut by the regulations in force.—*Reg. VIII.* 1809, *sec.* 13.

Appeals from Officers employed in both the revenue and judicial Departments.

2847. Appeals from orders for the removal of the Ministerial Officers on the establishment of the Magistrate and Collector, employed indiscriminately in the departments of revenue and the administration of Criminal Justice, lie to the Commissioner unless a regular criminal trial has been held, in which case they would lie to the Session Judge.—*C. O. No.* 177 *vol.* 2, *August 14th* 1835, *W. P.*

Monthly report of dismissals and appointments

2848. A monthly report is to be made to the Superintendent of Police of the dismissals and appointments of Ministerial Officers, in addition to the report made to him for confirmation according to the annexed form.—*C. O. Sup. Pol. L. P. No.* 1, *January* 29, 1839.

To be submitted monthly and annually by Magistrate to Commissioner Report of Dismissals and Appointments of Ministerial Officers of for the

Officers Dismissed.					Officers Appointed.				
Name with name of the father.	Age.	Place of residence.	Situation or Office.	Cause of dismissal with the date of it.	Name with name of the father.	Age.	Place of residence.	Date of appointment.	Previous employment.
From the annual return are to be excluded cases of Persons dismissed, but re-instated by the Commissioner within the year.									

2849. The accompanying Circular and Resolution, regarding the examination of students who may be candidatates for admission into the public service, are published for general information.—*C. O. Govt. W. P. No.* 430, *February* 18, 1854.

Rules for the examination of students who may be candidates for admission in to the public service.

Circular No. 265, January 28, 1854, to the Secretaries of Local Committees, of Public Instruction.

I am directed by the Honorable the Lieutenant-Governor to request that, as a means of bringing to the notice of the Officers of Government, the names of qualified Students, and thus increasing the chances of their obtaining employment, lists of all Students in your institution, who have obtained scholarships, which have been, or are soon likely to be, vacated by them, may be furnished annually to the several Commissioners, with a brief note of the qualifications and capacities of each student.

2. The Commissioners of Divisions will be requested to give the information thus communicated by you, publicity among the several Government Officers at the head of Departments in their respective Divisions, with an intimation of the strong wish of the Lieut-Governor that advantage should be taken of all suitable opportunities of securing for the Public Office, the services of young men who have given special proof of capacity and application during an extended course of superior collegiate instruction.—Resolution No. 429 A, Feb. 18th, 1854.

Read again the proceedings of this Government dated 28th ultimo No. 413.

Read a letter from the Secretary to the committee of Public Instruction at Agra No. 11 dated the 10th instant, suggesting that candidates for employment in the Government service, among the students of the Agra College, be examined on certain practical subjects, before their names are entered in the lists of qualified students, to be circulated among Commissioners.

Ordered that a copy of the communication from the Agra committee be forwarded for information to the Local committees of Public Instruction at other Stations, with a copy for their guidance, of the present Resolution, a copy of which shall also be sent to the committee of Public Instruction at Agra.

The Lieut.-Governor, highly approving the suggestions contained in the letter referred to, has been pleased to resolve that, on, or as soon as may be conveniently practicable after, the 1st day of September in every year, the Principal of each College shall communicate to the Commissioner of the Division in which the College is situated, the names of such students as having gained, at the least, a junior scholarship for a second year, and being of good character and habits, and desirous, either from a probability of the early termination of their scholarships, or otherwise, of being subjected to the examination below presented, with a view to their admission into the public service, are fit to be entered in the list required by the circular of the 28th, January.

2. The Commissioner, the Judge, and the Magistrate and the Collector, or, in the absence of any of them, a third Officer at the station, to be selected by the senior of the three officers abovenamed, who may be present, shall form a committee for the examination of such students as are named under the above instruction by the Principal, on the following test.

First. Ability to read with fluency the common *Shikust* hand of the Persian character, used in the Government Offices.

Second. Ability to translate into correct and idiomatic Urdoo, in a plain and readily intelligible style, a passage in English of ordinary difficulty, and of some length, on a subject of usual official business.

Third. Ability to write in idiomatic and clear Urdoo, any order or an ordinary topic of criminal or Revenue Administration, of which the heads or outline may be communicated verbally in English.

Fourth. Ability to write a correct and ready *Shikust* hand.

Fifth. Ability to apply, with readiness and accurracy, the rules of arithmetic, as far as decimal fractions, to ordinary calculations both relating to money and to land.

3. The examination shall be held in the early part of October in each year.

4 All who may successfully pass the examination held by a committee so constitued, shall then be entered in the lists to be circulated to Commissioners.

5. A preference for vacant appointments shall be considered as attaching to those who may have held a senior scholarship for a year or longer.

6. Copies of the lists will be sent for information and record to the Office of the Secretary to Government.

7. The several Commissioners shall furnish to Government half-yearly Returns, made up to the first January and first July of each year, of the employment, varying from 25 to 50 Rupees or upwards per mensem, which may have been given to any students thus passed and admitted into the lists of candidates, so that the Government may be enabled, from time to time, to trace the degree to which the objects of the circular of the 28th ultimo, and of this resolution may have been accomplished.

8. The several Committees of Public Instruction will also transmit copies of the lists of passed candidates to the Register of the Sudder Dewanee and Nizamut Adawlut, to the Secretary of the Sudder Board of Revenue, and to the Commissioner of Customs, who will similarly be requested to furnish Returns to the Government for their several Offices to the 1st January and 1st July of each year, such as are indicated in the preceding paragraph for submission by the Commissioners of Divisions. The Sudder Court will circulate the lists received from the Committees of Public Instruction, to the different Civil and Sessions Judges under them, as will the Commissioner of Customs to his Subordinate Officers. The Half yearly Returns of the Court, and of the Commissioner, will be accompanied by a general return of employments given by the District Judges, or by the Heads of Customs Offices, to parties who have gained a place on the lists.

Rules for giving better effect to the notification of 9th July 1855 requiring the employment of educated persons as sanctioned by Government.

2850 Rules for giving better effect to the notification of July 9th 1855* regarding the employment of educated persons, as sanctioned by Government Order. No. 1456, dated September 3rd, 1858.—*C. O. No.* 128, *Dec.* 13*th*, 1858 *L. P.*

* Government Notification dated 9th, July 1855.

1. In future the tabular return prescribed by the Government Circular to Commissioners No. 466, dated April 22nd, 1856, will include only appointments of which the salary is *more than* Rupees 6 a month. And the return prescribed by section 7, of circular 357, dated 27th March, 1856 will refer only to appointments of Rupees 6 and under.

2. In place of column 4* of the return first referred to above, the following two columns are to be in future submitted.

*Viz that headed scholastic acquirements.

COLUMN 4.	COLUMN 5.
Extent of acquirements in reading, writing, Arithmetic, &c., with any evidence as to attendence or progress at School.	When, how, and by whom the foregoing acquirements were tested or certified

3. In every case in which there is the smallest doubt as to the candidate having received a fair elementary education, he shall be examined, before being oppointed, by being required at the least to read audibly and with intelligence, half a page of an ordinary printed book, and to write intelligibly from dictation an equal amount.

4. The heading of column 5 implies that the candidates acquirements must be tested (as above) or certified to, (from personal knowledge) by either the Officer making the appointment, some European gentleman in, or out of Government service, or some native official holding an appointment of not less than Rupees (100) one hundred a month.

5. When a post of more than rupees 6 has to be filled up without delay, and no one able to read and write is immediately available, the person who may be put into the appointment shall under no circumstances draw more than rupees 6 a month, (whatever the sanctioned salary of the place may be) until he is duly qualified under these rules. And meanwhile he shall be considered only as a temporary incumbent and be liable to be displaced at any time by a properly qualified person.

6. It is to be borne in mind that these rules and, the notification of July, 1855 refer to acting and temporary appointments equally with permanant ones.

7. Any special case in which it may be considered absolutely necessary to suspend the operation of these rules, or of the notification of July, 1855 must be made the subject of a special report to Government, with whom alone it rests to authorize exceptions thereto. And no Mofussil Officer in a regulation district is to consider himself at liberty to make any such exception of his own authority.

8. Head Masters of Zillah Schools and Deputy Inspectors of Schools are to examine any person that may be sent to them for this purpose by a Moffussil Officer having appointments in his gift, on the written requisition of such Officer. The requisition should specify the subjects in which the candidate is to be examined, such as reading, writing from dictation, Arithmetic, Mensuration, Geography of Bengal or the world, and so forth.

9. The Inspectors of Schools will consider it a part of their duty to send in to Commissioners of Divisions, or to other heads of offices who may be willing to receive them, the names with full particulars of any deserving and promissing lads whom they may fall in within the course of their tours of inspection.

From and after the first of January 1857 no person shall be appointed by the head of any Office or Department to any situation in the public service in any Moffussil regulation district, the monthly salary of w hich is more than six rupees, unless he can read and write his own vernacular language. It shall, however, rest with the Gov ernment, or with any authority duly empowered by Government, to suspend the operation of the rule in any case in which special circumstances may render it advisable to do so.

The several Moffussil Officers are at the same time directed to give a preference to persons who can read and write over those who cannot for all Offices, however small the salary, unless where obvious reasons exist for overlooking such qualifications.

Copies of all nomination rolls shall in future be forwarded quarterly to the director of public instruction.

10. The Inspectors will also make a point of reporting, in their periodical narratives or otherwise on the working of these rules, the manner in which they are acted upon, and the effect produced by them upon education or upon the classes that supply the lower departments of the public services. Commissioners and other public Officers should also from time to time notice the subject in their periodical reports.

Quarterly returns to be submitted by Judges.

2851. Judges will cause to be duly filled up the accompanying form every quarter, and submit the same to the Commissioner of the division, to which their districts belong. 2. The returns should include the several appointments made by their subordinates as well as those under their immediate control. 3. The returns respectively should be brought down to the close of June, September, December and March, so that the Commissioner may be enabled to collate them and submit a general return to the Director of Public Instructions on or before the 1st of July, October, January and April of every year. 4. It is essential that these returns be despatched from time to time very punctually.—*C. O. No.* 80, *May 2nd*, 1856, *and No.* 82, *May 31st*, 1856, *and No.* 128, *Dec.* 13, 1858, *L. P.*

Return of Officers drawing salaries of six (6) Rupees a month and upwards, who have received appointments in the Division during the Quarter ending.

Districts.	Offices in each District.	Name of Officer.	Extent of acquirements in reading, writing, arithmetic &c. with any evidence as to attendance or progress at school.	When, how and by whom the foregoing acquirements were tested or certified	Office to which appointed and salary.	Dates on which appointment was confirmed.	Name of nominating Officer.	Name of confirming Officer.	Remarks.

Employment of Native Christians in Public Offices. Principles for making appointments

2852. Under instructions from the Government, I am directed by the Court to forward to you, for your own guidance and that of your subordinates, as showing the principle upon which you should be guided on the subject of the employment of native Christians in the public service, the accompanying copy of a despatch from the Secretary of State No. 56, dated 30th November, 1858

1. In your letter dated the 14th August (No 100) 1858, you report that in order to "test the accuracy of an opinion which the Lieutenant-Governor of Bengal believed to be gaining ground both in England and in India, to the effect that native Christians were excluded from employment in the public service in this country, as such, and because they were Christians, without reference to their fitness" Mr. Halliday had called on the principal Officers employed under his jurisdiction, for a report as to the employment of Native Christians in the public service or their exclusion from it. And you forward an abstract of the replies made to this reference, a copy of which you caused to be placed on the Editor's table at Calcutta, with a view to its obtaining the publicity desired by the Lieutenant-Governor.

2. It is evident, from the replies made to the enquiries of the Lieutenant-Governor, that no ground exist for the impression, which it was the object of Mr. Halliday to remove, and that the true explanation of the comparatively small number of that class who are engaged in public service, is to be found in their small number in respect to the rest of the population, their generally low standard of qualification, and their preference either for trade or agriculture, or in the case of those better educated, for employment in connection with Missionary operations.

3 This result of the enquiries of the Lieutenant-Governor is such as I should have been prepared to expect, and is quite satisfactory. As far as can be judged from the replies of the different Officers, the principle on which they have acted is, that the applicant best qualified for the vacant situation should be appointed whatever might be his creed. This is the correct principle which ought to guide public Officers in the selection of individuals for subordinate employment, and it is accordingly unnecessary to issue any fresh orders for the guidance of the public Officers in the Bengal Presidency in this matter.

4. It is proper however, that any misapprehension which may exist on this subject among persons unconnected with the public service should be corrected; and trust that this object will have been sufficiently attained by your having caused the abstract of replies to be thrown open to the conductors of the public press.

5. I have no reason to think that there has been any exclusion of Christians as such, from the Public Service, in any of the other Presidencies. It will nevertheless be proper to communicate to the several subordinate Governments, the result of the enquiries made in Bengal, and the approval which the general principle there acted on has received from me in Council.—*C. O. Govt. No. 4, 23rd February* 1859, *W. P.*

2853. The following rules were passed in the Western Provinces with a view both to an efficient control over the executive and ministerial establishments, and to the proper encouragement and protection of the Officers serving on them, that a permanent record, might be maintained and employed for systematic reference of all orders and proceedings of superior authorities, relating to the character and conduct of such Officers. I. Character Books shall be prepared and kept up in the Offices of the Commissioners of Revenue and Police, with enteries for the clerks of the English Office drawing Rs. 50 and upwards, for Sherishtadars and Record-keepers, and for Officers of other grades, who may draw a salary of the above amount; and in the Offices of the Magistrates and Collectors, to include Officers of the same grades and scale of pay, with the addition of revenue Nazirs, as also of the Tuhseeldarees in each District, to include Tuhseeldars, and Naib Tuhseeldars or Peshkars. Two books will be kept by the Magistrates and Collectors one for the Sudder Office and one for the Mofussil Offices. II. The books to be of English papers, and strongly bound for permanant record. All entries will be made either by the head of the Office, or by the Officer in charge of a sub-division; entries made in such cases for a sub-division (within such limits of penalty as may be allowed in each instance, in the discretion of a Magistrate and Collector) are to be shown monthly to the latter Officer, and to be countersigned by him at the close of the month, in attestation of their having been inspected by him. III. A page will be left blank in regard to each Officer, for the entry in the first instance and afterwards yearly of any of his connections, who may be employed in the same District. The entries on the page following; will be according to the form annexed.* Two or three further pages will be left blank, in each instance, for additional entries. IV. The brief description of the previous Service of the Officer in any of the higher grades, which is to be placed at the head of the entries, as shown in the form, should be taken from each Officer concerned, who will be held strictly responsible for its correctness. In the columns marked for the purpose, a brief record will be made of every order or proceeding hereafter issued conferring any marked reward, or noticing with special credit, the conduct of the Officer in any particular case. The nature only of the order or reward will be noted, with a distinct

Book of Character to be kept of certain Officers in offices of Commissioner and Magistrate.

Character Books for Police Offices are now kept by District Superintendents of Police

Entries to be made by head of Office.

A page to be left for entry of connections.

Description of previous services.

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*Toorsballee is the son of a Zumeendar of the District, vide letter of to the Collector, dated the He was appointed peshkar of the tuhseel by Mr. in In he was appointed officiating Tuhseeldar of by and confirmed in the substantial appointment by the Commissioner, in his letter No. dated He has landed property in the District, N. B. note on the page left for that purpose any relative employed in the District to which the Registers relates, and any period of discontinuance of the Government service exceeding six months, with the reason for the relinquishing it at that time.

Note On this half page enter notices of approbation and rewards and orders of promotion.

Note. On this half page enter notices of censure or punishment; including suspension and dismissal.

Entry of rewards or commendation.

Entry to be made in language of head of Office and signed.

Entries to contain reference to records.

reference to the proceedings of the case itself. In those proceedings it will invariably be mentioned that the appropriate entry has been directed to be made in the character book. V. All such notices will be in English, excepting where a sub-division may be under a Native Deputy Collector and Joint Magistrate, who will, in that case record the notice in his own language. All such notices will be signed in full by the Officer responsible for them at the time when they are made. VI. The record will, ordinarily, be simply a note of the purport of the order of approbation or censure, expressed so as to enable the original record to be traced without delay. In cases in which the head of an Office, called upon to testify to the character of any of the Officers included in the register, may have clear and strong ground for certifying the particular merits and efficiency of such Officer, when these may not be apparent on the face of the entries, or in which, on giving over charge of the Office, he may, from the like nature of the entries, think it just to leave such a record, he will be at liberty to add a note stating his opinion generally to that effect, and the circumstances on which it is founded. Otherwise, the record will be only of orders of proceedings actually held in respect to each Officer, as occasion may arise. VII. All orders of promotion, and of suspension or dismissal, will be entered as indicated in the annexed form. Resignations of Office, connected with no cause, of censure on the conduct of the Officer, may be entered in a separate foot note. VIII. If any order, whether of approval or censure, should subsequently be over-ruled, or altered by superior authority, the circumstance will be carefully noted by a red ink entry, written across the original entry. IX. On all occasions of the promotion, suspension or removal of an Officer, an extract from the character book, comprizing all its entries, will be attached to the proceeding recorded in the native Office and will form a necessary part of the record, when submitted, as may be requisite under the established rules, to higher authority. X. No Officer who has served in one district, shall obtain employment in another district without an extract from the character book being filed with the proceeding of appointment, and on his appointment in the new district taking place, the extract will be incorporated in the character book of that district. Such extract shall be claimable by the Officer as of right, and shall be given without expense, under the signature of the head of the Office. But the extract shall be complete, so as to comprehend all entries, whether of approval or the reverse. The practice of issuing commendatory purwannahs, or seperate Certificates of good character, in case of Officers upon establishments and of grades for which the Registers are to be formed, is strictly prohibited from the date on which these orders will have effect. Opinions as to the peculiar abilities and good character may be recorded on the extracts, in cases in which they may be thought to be specially called for, under the provisions contained in rule 6. XI. Officers will be at liberty to make a record of the character of persons in the lower grades as of duffadars and of burkundazes, in cases which they may regard as of highly marked good conduct, meriting such a distinction. Where such record is made, it should also be noted whether the party has received any, and what, extent of education. XII. Heads of departments in other districts, desirous to give employment to Officers of approved good conduct will be at liberty to refer for any information which can be supplied from these registers in any part of the country in which they are kept up. XIII. It will be the duty of the Commissioners, on their annual tours, to see that the present rules are regularly and carefully observed by the several Officers responsible for their execution, and the subject will be specially mentioned in their yearly Police reports.—*Govt. Order W. P. No.* 244, *A, January* 23, 1855.

Head of Office may add notes on general character.

Orders of promotion, suspension, or dismissal.

If order be overruled.

Extract from character book to be filed with orders.

Officer taking employment in another district.

Extract claimable by each Officer as of right.

Seperate certificates not to be given.

Record may be kept of inferior Officers.

Heads of Offices in other districts may obtain information.

Commissioners to examine these books and report.

English Writers.

2854. The appointment and removal of English Writers, Natives of India, is to be governed by the above rules.—*Con. No.* 31.

GENERAL RULES.

All native Officers are liable to removal without proof of any specific act of criminality.

2855. All Native Officers in the service of Government are liable to removal from the public trusts committed to them, without proof of any specific act of criminality, whenever there is sufficient reason to believe them incapable or neglectful, of their prescribed duties, or in any respect unworthy of public confidence.—*Reg. VIII.* 1809, *sec.* 5, *cl.* 5, *sec.* 7, *cl.* 2, *and sec.* 9.

The imposition of heavy fines is objectionable.

2856. The imposition of heavy fines upon native servants is objectionable, as involving them in pecuniary difficulty, and inducing them to resort to improper practices for the purpose of indemnification. The preferable course is, when an Officer refuses to do that which his official duty requires of him, to transfer at once the office to a more obedient holder.—*C. O. No.* 60 *of vol.* 3, *L. P. Aug.* 7, *W. P. Aug.* 28, 1840.

2857. The fact of an Officer's possessing much more property than the lawful emoluments of his office seem to authorize, without being able to give a reasonable account thereof, is a sufficient ground for presuming him a person unfit for public confidence.—*Const. No.* 306.

The unaccountable possession of much property is a sufficient ground for dismissal.

2858. The Criminal Courts are authorized to require Mochulkas or penal obligations for their good behaviour, in such sums as they judge proper, from their native Officers.—*Ben. Reg. XIII.* 1793, *sec.* 2, *Ced. Prov. Reg. XII.* 1803, *sec.* 2.

Mochulkas may be required from the native Officers.

2859. The Sherishtadars, or other head native Officers, Moonshees, Mohurirs, and Naziras, Record-keepers, and Treasurers as well as all other native Officers of the Criminal Courts holding any situation of trust and responsibility in the public service, previous to entering upon the execution of the duties of their Offices, are to make and subscribe the following solemn declaration in open Court before the European authority to whom they are subject;—"I, A. B., appointed to the Office of Serishtadar (or as the case may be) to the Nizamut Adawlut (or other Court) solemnly declare that I will truly and faithfully perform the duties of the Office to which I have been nominated to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present, or nuzzur, in money, or effects of any kind, from any party whomsoever, on account of any suit to be instituted or which may be depending, or have been decided in the Court; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly any present or nuzzur, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the Court; and that I will not derive directly or indirectly any advantages or emoluments from my office, excepting such as the orders of Government do or may authorize me to receive."—*Ben. Reg. XIII.* 1793, *sec.* 4, *Ced. Prov. Reg. XII.* 1803, *sec.* 4, *Reg. XVIII.* 1817, *sec.* 2, *cl.* 1, *and* 2, *and sec.* 3.

All native Officers are to make a solemn declaration before entering upon the duties of their Offices.

2860. The European Officers before whom such declarations are required to be made, and subscribed, are to attest the same as publicly read and subscribed, before them, in pursuance of the above provisions; and are to be careful to enforce a due observance of the rule therein contained by the native Officers appointed to act under them.—*Reg. XVIII.* 1817, *sec.* 2, *cl.* 3.

The European Officers are to attest such declarations.

2861. The native Officers attached to the Courts are to procure all acts of the Court to be executed; to translate and transcribe papers; and to arrange and keep the records of the Court. They are to perform these duties in the manner, and conformably to the rules, which the head of the Office to which they are attached thinks it proper to prescribe. The Native Officers of such Courts are not to interfere in any other manner, publicly or privately, in any cause or matter dending before the Court, or which has been, or is intended to be, brought before it.—*Beng. Reg. XIII.* 1793, *sec.* 8, *Ced. Prov. Reg. XII.* 1803, *sec.* 11.

Duties to be performed by native ministerial Officers.

2862. The whole of the Officers of Government are prohibited, under penalty of dismissal from Office, from employing, directly or indirectly, their private servants of whatever description, or any other persons not being public Officers duly appointed or nominated in conformity with rules inforce relative to such appointments, in the discharge of any part of their public duties, or in the execution of any public duty, in which the person so employed has not been duly authorized to act. *Reg. VIII.* 1825, *sec.* 2 *cl.* 1.

Officers are prohibited from employing their private servants in the discharge of public duties.

2863. The whole of the judicial Officers are, in like manner and under the same penalty, prohibited from employing any of the public Officers on their establishment (not being peons or other inferior servants in personal attendance upon a Judge, Magistrate, or other Officers of Government in the Judicial Department) in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.—*Reg. VIII.* 1825, *sec.* 2, *cl.* 2.

And from employing public Officers on their private business.

No alteration is to be made in the Salaries or the number of designation of the native Officers.

2864. The several Officers of Government in the Judicial department, who are already restructed by the official oaths, or by the known declarations and orders of Government, from deriving any personal advantage whatever from their fixed establishment of native Officers, are further positively prohibited from making any alteration whatever in the distribution of the salaries of such Officers, or in the number and designation of the several description of native Officers composing their authorized establishments without the express sanction of Government.—*Reg. V.* 1804, *sec.* 23.

Nor can the Superintendent of Police (Commissioner) authorize any alteration or addition

2865. Nothing in this regulation is to be constructed to empower the Superintendent of Police to authorize any addition to, or alteration in the distribution of, the fixed public establishments without the special sanction of Government.—*Reg. VIII.* 1809, *sec.* 12.

Officers are not to be entertained on lower salaries than those fixed

2866. Native ministerial Officers are not, under any circumstances, to be entertained on lower salaries than those fixed by the Government for the situations they hold.—*C. O. No.* 154 *vol.* 3, *January* 19*th*, 1844 *L. P.*

2867. The practice of raising the salaries of Officers on public Establishments by abolishing appointments is prohibited, assistants in Public Offices are not to be allowed nominally to hold a sititution and draw its pay, while performing the duties of another situation.—*Late Hon'ble Courts Order* 20, *June* 1849 *F D* 29*th Sept.* 1849 *Civil Pay Master's Manual W. P. paras.* 579 *and* 680.

Officers are not to be kept acting.

2868. The practice of keeping ministerial Officers in acting capacities for long periods is highly objectionable ; whenever an Officer nominates an individual to act in any situation, whose confirmation in the same requires the sanction of superior authority, he is to make a report to such authority as to the fitness of the Officiating person within the period of six months from the date of his original nomination.—*C O. S. D. A. No.* 12, *January* 1*st*, 1830.

No Office is hereditary.

2869. Nothing in this regulation is to be construed to establish a claim of inheritence to any public Office whatever ; or to prevent the abolition of any such Office, by order of Government, whenever it is judged unnecessary to continue the same for the public service.—*Reg. V.* 1804, *sec.* 24.

Schedule of property is required from all native Officers on their appointment.

2870. On the appointment of any native Officers, who receives a salary of not less than 20 Rupees per mensem, whether the situation to which he is nominated be of a judicial or ministerial nature, or connected with the Police department, he is to be required to give a Schedule of any landed property of which he may at the time be possessed, including not only land, the proprietary right of which is vested in him, but any land or other real property whatever may be the nature of the tenure by which he holds it, the description of tenure being also recorded in the Schedule. It is at the same time to be explained to him that should he subsequently make further acquisitions of the same description, it will be incumbent on him to communicate the circumstance within one month from the date of acquisition ; should he fail to do so, or should it appear that he has wilfully omitted in his Schedule any such property belonging to him at the time of filing it, he is liable to dismissal from office. In the Western Provinces, these Schedules are to be registered in the Office of the Collector of the Zillah in which the Officer is employed ; and copies of the same sent to the Collectors in whose Zillahs the property therein included is situated. In the lower provinces ; the Schedules are to be registered in the office to which the individuals giving them are subordinates ; and copies are to be sent to the Collectors in whose Districts the property specified is situated.—*C. O. No.* 163, *Feb.* 27*th*, 1835, *No.* 166, *L. P. Sept.* 4*th*, *W. P. April* 10*th*, 1835 *and No.* 170, *L. P. July* 8, *W. P. May* 29*th*, 1835.

Subsequent acquisition of property in the district is forbidden

2871. The purchase or acquistion in any other manner than by inheritance, by any person holding a Judicial post, or any executive or ministeral office in the Judicial or Revenue Department in the Western Provinces, of landed property or any interest in land within the limits of the Districts, in which he serves, will subject the Officer to the penalty of dismissal from this appointment . and the acquisition by

such persons of any property or interest in land by inheritance must be immediately reported for the orders of the superior authority of the department.—*Govt. Order W. P. No.* 1662 *A, September 6th,* 1854.

And report to be made if acquired by inheritance.

2872. Security is to be taken from Treasurers, Nazirs and other Officers, who in the discharge of their public duty, have charge of money or property, whether public, or belonging to private individuals, and the sureties are to bind themselves to make good all losses sustained by the default or fraud of the Officers for whom they are bound. The amount of property to be pledged by the surety, and entered in the Schedule at the foot of the bond, must be regulated according to the circumstances of each case and the amount or value of the money or property which may be likely to be left on the hands of the Officer from whom the security is required ; the surety is also to bind himself not to sell, or in other manner alienate the property in question until he is relieved from his responsibility. Care is to be taken to ascertain the sufficiency of the security ; and its efficiency is to be carefully revised during the last week of December of each year ; and a report of the result of the revision is to be submitted in the annexed form.—*C. O. S. D. A. No.* 34, *September* 23*rd,* 1831.

Security is to be taken from all Officers entrusted with public money.

Sufficiency of security to be tested yearly and report made.

Report of the result of the enquiry as to the sufficiency of the security given by the Officers of the Court, made in the month of December 186 ; under the Circular Order of the Sudder Dewany and Nizamut Adawlat, dated the 23rd September, 1831.

Name and designation of the Officer required to give security.	Amount of security required.	Name of the sureties with the date of their engagement.	Names of new security the old sureties having been changed.	Remarks.

Certified that I have revised the securities of the Officers above mentioned, and that I consider them good and sufficient.

2873. The form prescribed above is to be uniformly engrossed on a sheet of foolscap paper ; and the following certificate is to be inserted at the foot of it. "Certified that I have revised the securities of the Officers above mentioned, and that I consider them good and sufficient. (Signed) A. B. Judge, or Magistrate, as the case may be."—*C. O. No.* 216 *of vol.* 2, *Dec.* 16, 1836 *L. P.* ; *January* 20, 1837, *W. P.*

Report to be certified in particular form.

2874. There is no objection to its being left optional with parties, nominated to Offices under Government, requiring the execution of a Security bond to have that bond prepared by their own advisers. It is at the discretion of heads of Offices to accept such bonds on their own responsibility, or to refer them, for approval on the part of Government, to the Law Officers of the Government.—*C. O. No.* 72 *of vol* 4, *Novr.* 24, 1851 *L. P.*

Persons nominated to offices may have the security bonds prepared by their own advisers.

2875. Persons actually in the employment of Government, whether in the Civil or Military Department, are not liable to any charge for the preparation and execution of any documents connected with their appointments, which the law-Officers of the Government may be required to draw by the heads of the Offices or Departments in which such persons are employed.—*C. O. No.* 77 *of vol.* 4, *L. P.* ; *C. O. Sup. Pol. L. P. No.* 2, *February* 11, 1852.

And are not liable for the charges of preparation and execution by the law Officers of Government.

2876. Public Officers vouching for the sufficiency of the securities render themselves responsible for the safety of the public funds committed to the charge of their ministerial Officers, and they are to be held accountable for any insufficiency of security which is subsequently experienced.—*C. O. No.* 171 *of vol.* 2, *July* 3, 1835.

Responsibility of Officers vouching for the sufficiency of securities.

2877. In the lower Provinces, the above security statements are to be forwarded by the Magistrate to the Superintendent of Police and not to the Nizamut Adawlut.—*C. O. No.* 87 *of vol.* 3, *July* 2*nd,* 1841, *L. P.* ; *C. O. Sup. Pol. L. P. No.* 22, *May* 31*st,* 1838.

These report to be sent to the superintendent of Police (Commissioner) in the Lower Provinces.

Form of security bond to be used in the Western Provinces.

2878. In order that the security bonds may comprehend all the obligations assumed by the sureties, Judicial Officers (in the Western Provinces) are required to have them drawn out according to a prescribed formula,* and in reporting the result of the annual revision, they are to certify that the bonds have been carefully examined and found to correspond in their terms with that formula; and the memorials thereof have been registered in pursuance of the following instructions.—*C. O. No.* 188 *of vol.* 3, *Oct.* 25*th*, 1844, *W. P.*

All security bonds are to be registered.

2879. With reference to the precedence granted to all registered documents by Acts I, and XIX. 1843, all Security bonds executed by the Treasurers, Nazirs, and other ministerial Officers attached to the Judicial Courts, and other documents likewise of a similar character, by the annulment or repudiation of which the interests of Government are likely to be injuriously affected, are to be duly registered in conformity to the conditions of those enactments; (the authorities are to satisfy themselves that the lands, to which the registered security deeds relate, have not been already conveyed away by any previously registered deeds† ;) and such registration (and security) is to be deemed an indispensable preliminary to their acceptance as good valid engagements. The fees attendant on this process are to be defrayed by those from whom security is demanded, and whose tenure of Office is dependant on their compliance with such requisition.—*C. O. No.* 136 *of vol.* 3, *May* 2, 1843.

Nazir is liable to pay damages for wilful misrepresentation of the sufficiency of security.

2880. If it be shown on a Civil prosecution that the Nazir of a Criminal Court has willfully misrepresented the Value or sufficiency of any security, in regard to which he has been directed to enquire and report, and that loss has ensued in consequence of such misrepresentation on his part, he would be liable to the payment of damages at the discretion of the Court before whom the suit is brought.—*Const. No.* 1014.

Rules for the endorsement & safe custody of public securities deposited in such cases.

2881. When deposits are made by the sureties in public securities, they are to be endorsed over to the official head of the Office, and deposited for safe custody with the Sub-Treasurer of the General Treasury. Such securities are returnable only under an official order from the Secretary to the Government in the Department to which the depositor belongs. Under these circumstances, if, with the permission of Government, the parties should so desire it, the Sub-Treasurer is to draw the interest accruing on the securities in his custody, and pay it over to the Officer concerned, in cash if in Calcutta, or by bill on the revenue Treasury of the District, if the deposit is for due performance of duty in the Mofussil.—*Government Order in C. O. Sup. Pol. L. P. No.* 12, *Sept.* 16*th*, 1845; *C. O. Acct. Genl. No.* 94, *Sept.* 29*th*, 1845.

Responsibility of Collectorate Treasurer taking charge of Foujdaree Treasury.

2882. When the Treasurer of a Collectorate is also required to take charge of the Foujdaree Treasury, it is incumbent on the Collector to insert in the security bond a clause rendering the sureties responsible for any abuse of trust by the Treasurer in the Foujdaree Department.—*C. O. No.* 51 *of vol.* 3 *L. P.* Under C. O. May 28th, 1847, the separate Treasuries of the Judges' and of the Magistrates' Courts are abolished. The duties of the Office are to be discharged by the Collectors' Treasurer.

One department is not to receive applications for employment from persons in the employ of another department

2883. All departments of the state are required not only not to invite, but positively to refuse to entertain an application for employment from any native, who is at the time of making the application in the puplic employ of a Government Office or Department, unless they have previously received the full acquiescence of the head of such Office or Department.—*C. O. No.* 66 *of vol.* 3, *L. P. Augt.* 16*th*, *W. P. Novr.* 5*th*, 1840.

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*Mainki wald kothi sákin kà hún jo peshgáh sáheb Judge Adálat Diwány Zilah sebábat khazána mutalliqa adalat mazkúra ke is mahukme ke khazánchi se batáedád rupiye ke tasarruf zámní matluúb hai, iswaáste main barzá aur raghbat músammá ká ki filhál bawahda khazánchigírí mahukma mazkúra ke muqarrar hai, mutkafil hotá háin is iqrárse ke jabkabhi minjumla rupiye yá lót waghairah naqdaur jins mahowla khazánchi mazkur ke az rúe hisáb kekuch báqi sarkar ke zimma masháraleh ke nikle, to main zámnbilá úzr aur hujjat zarzimmagi khazanchi mazkur ko ápue pás se adá karún aur jásdád mas sarreha zail ko ki malíáti rupiye ki bilá khalish azánkhás mujh zámin ke hai batarík nishán zamánat ke makfúl kartá hún, aur main yih wasíqa batour tasarruf zamni ke likh detá hún ki indalhujjut kám áóé almarqúm.

† The words within brackets are not contained in the circular of the Western Court

2884. Men, who have been dismissed for misconduct from one department, are not to be considered eligible for re-employment in any other department. It is a wholesome check upon negligence and dishonesty for the servants of Government clearly to understand, that probity and diligence are the only means of retaining employment under Government. This rule does not apply to cases of inaptitude for some particular branch of occupation, to which a native servant may have been originally appointed, and from which it may have been necessary on that account only to displace him.—*C. O. No.* 46, *Novr.* 22*nd*, 1850 *and No.* 75, *Dec.* 17*th*, 1851 *of vol.* 4, *L. P.*

Persons dismissed from one department (except for in aptitude in that department) are not eligible for appointment in another department.

2885. Representations from Uncovenanted Officers relating to their services are not to be forwarded to Government by the head of the Office. All persons desirous of bringing their claims prominently to the notice of Government should forward their representations themselves by the public post.—*C. O. No.* 68 *of vol* 3, *Oct.* 30*th*, 1840, *L. P.*; *C. O. Sup. Pol. L. P. No.* 23, *Nov.* 3*rd*, 1840.

Representations from uncovenanted Officers to Government.

2886. Although certain hours have been fixed within which the transaction of business is usually limitted, yet the Government is entitled to the actual services of its Officers for the disposal of the business in their separate Departments.—*Late Hon'ble Court of Director's Order July* 27*th*, 1853; *Civil Pay Master's Manual W. P. para.* 682.

Hours of business.

2887. The attainments required as a qualification for the various subordinate Officers in the administration, have been fixed on a moderate scale. If however the test be carefully enforced, the establishment of New Rules will not fail to have considerable influence in raising the general standard of qualification of those filling subordinate stations in the service of Government.—*Ibid*, *March* 14, 1855 *and Ibid*, *para.* 684.

Attainments of Candidates to be tested.

2888. Zillah visitors in the Department of Public Instruction, N. W. P. to be considered as holding the same official rank as Tehseeldars invested with the powers of Deputy Magistrate, and to be classed with them, whenever necessary, according to the relative dates of their appointments, to one or the other grade.—*Govt. Order W. P. April* 21, 1856, *and Ibid*, *para.* 685.

Rank of Zillah Visitors.

2889. No person is to be admitted into the service of Government, as a Writer or Clerk, at an earlier age than 16 years.—*Order of Govt. of India Oct.* 29, 1856, *and Ibid*, *para.* 686.

2890. Heads of Public Offices, and Establishments are not to entertain either clerk or workmen who have quitted other Public Offices and Establishments, without making a previous reference to their former employers.—*Order of Govt. of India Dec.* 31, 1856.

SECTION II.

RULES FOR LEAVE OF ABSENCE TO UNCOVENANTED SERVANTS.

2891. Leave of absence to Officers not in the Covenanted Service receiving their appointments direct from Government, will be granted by the Government only under which Office is held, on application made publicly through the regular channel in the Department to which the applicant may belong. In respect of all other Officers, it will be optional with the Local Governments to delegate to Heads of Offices or Departments, power to act upon the Rules without special reference to higher authority *Uncovenanted Absentee Rules. Chap.* 1, *sec.* 1, *dated Feby.* 22, 1856 *and Civil Pay Master's Manual N. W. P. paras.* 691 *and* 692.

Leave to Officers receiving appointments direct from Govt to be granted by Govt, to others, by the head of their Office or department.

2892. Absence without leave will render the absentee liable to loss of appointment, and will be attended with entire forfeiture of salary for the whole period of such absence.—*Ibid*, *sec.* 2 *and Ibid*, *para.* 693.

Absence without leave.

2893. No leave of absence shall have any retrospective effect except in cases of severe illness to be attested by Madical Certificate, conforming in every respect to the directions contained in section IV. *Ibid*, *sec* 3 *and Ibid*, *para* 694.

Leave not to have retorspective effect except in cases of sickness

Leave to be granted only at the pleasure of Govt. and not claimable as of right.

2894. No leave of absence on private affairs shall be claimable by any party whatever under these Rules as a matter of right, such leave will be granted only at the pleasure of the Government or its authorized Officers, when the concession of the indulgence in no way interferes with the interests of the public service, and it shall be the duty of the Government in every instance (except in the case of leave granted under section VI.) to consider and determine whether the grounds of the application are sufficiently urgent to justify the concession of the leave. *Ibid, Chap.* 3, *sec.* 10 *and Ibid, para.* 695.

2895. The following Rules to be in force in the North Western Provinces, in regard to all Officers in the Uncovenanted Service of the Government, who may be in the receipt of salaries of Rupees 100 a month and upwards.—*Govt. Order W. P. March 8th,* 1856.

Judge can grant leave up to six months to certain Officers.

2896. JUDICIAL CIVIL DEPARTMENT—.The Judge of a District is empowered to grant leave of absence for any period not exceeding six months under the Rules as now prescribed, to Officers in the Civil Department subordinate to him, and not receiving their appointments direct from the Government; leaves so given to be reported in Quarterly statements for the information of the Court of Sudder Dewany Adawlut. Applications for leave of absence for terms exceeding six months to Officers of the class above specified, will be disposed of by the Sudder Court; Quarterly statements of such leaves being, in like manner, furnished for the information of the Government.—*Ibid, and C. P. M. paras.* 696 *and* 697.

Leave exceeding six months to be granted by the Sudder Court.

Leave to Moonsiffs.

2897. In modification of above para. leave of absence to be granted to Moonsiffs on report by the Zillah Judges for the orders of the Sudder Court.—*Govt. Order W. P. April* 8, 1856, *and Ibid, para.* 698.

Collectors can grant leave up to six months to certain Officers.

2898. REVENUE DEPARTMENT.—Collectors are empowered to grant leave of absence for any period not exceeding six months, under the Rules as now prescribed to Officers subordinate to them, and not receiving their appointments direct from the Government; leaves so given to be reported in Quarterly statements for the information of the Commissioner of the Division, and of the Board. Applications for leave exceeding six months to Officers of the class above specified, will be disposed of on the report of the Collector, and of the Commissioner by the Board, Quarterly statements of such leaves being furnished for the information of Government.—*Govt. Order W. P. March 8th,* 1856 *and Ibid, paras.* 699 *and* 700.

Leave exceeding six months to be granted by Sudder Board of Revenue.

Leave to Officers in the Customs Department.

2899. CUSTOMS DEPARTMENT.—The same course will be followed in this, as in the Revenue Department, (2898) excepting that the leaves for terms not exceeding six months shall be given by the Commissioner to Officers coming under the Rules, and not receiving their appointments directly from the Government.—*Ibid, and Ibid, para.* 701.

In the Education department.

2900. EDUCATIONAL DEPARTMENT.—The Director of Public Instruction is empowered to grant leave of absence under the Rules for a term not exceeding one year to Officers not receiving their appointments direct from the Government, Quarterly Statements of such leaves being furnished for the information of Government.—*Ibid, and Ibid, para.* 702.

Inspector can grant leave to Tehseelee School Masters and Pergunah Visitors for one month in the year.

Director can grant leave to Zillah Visitors and Inspectors.

2901. Inspectors in the Department of Public Instruction have authority to grant leave of absence to Tehseelee School Masters and to Pergunah Visitors for one month in the year without loss of salary, if the appointment is not required to be filled up; and if a substitute is required to be provided, on one-half salary. The Director of Public Instruction to grant leave on the same terms as laid down above to Zillah Visitors and Inspectors. Three months at the least shall elapse between each period of leave of absence so taken. In regard to leave of absence for longer periods for Inspectors, each case is to be submitted to the Government. But in respect to Zillah Visitors, Pergunah Visitors and Tehseelee School Masters, the Director of Public Instruction to grant leave on the principle of the Rules of the 16th July 1846, *taking care that inconvenience is not occasioned to the Public Service, and that the sum drawn by an absentee does not exceed the specified one-half salary.—*Govt. Order W. P. Sept.* 21, 1855 *and C. P. M. paras.* 703-707.

2902. The Inspector General of Prisons will possess the same powers within his department as have been conferred on the Director Public Instruction (2900) in regard to the Educational Department. —*Govt. Order W. P. March* 8, 1856 *and Ibid, para.* 708.

2903. The Heads of English Offices are empowered to grant leave of absence to Officers on their Establishments, not appointed directly by Government, for periods not exceeding six months. For longer

*These have been superseded by the rules of 22nd February 1856.

periods, a report to be made to the Government if the Office be directly subordinate to the Government, or otherwise to superior authority of the department. Quarterly Statements to be furnished by all authorities granting such leaves in the same manner as has been prescribed for the Departments before specified.—*Ibid, and C. P. M paras.* 709 *and* 710.

Leave to officers drawing less than 100 Rupees.

2904 The grant of leave to Uncovenanted Servants either on medical certificate or on private affairs, whose salaries are less than Rs. 100 per month, the Heads of Offices will be guided by the spirit of the rules prescribed for those who are in the receipt of Rs. 100 and upwards. All cases in which leave is so granted to Uncovenanted Servants whose salaries are less than Rs. 100 a month shall be reported to the Civil Pay Master in the prescribed manner. All past leave enjoyed by any such Uncovenanted Servant, to be counted as service under the late Hon'ble Courts Orders (13th May 1856 published in the Calcutta Gazette of 16th July 1856, page 1136) although such leave may have exceeded the period allowed under the New Uncovenanted Civil Service Absentee Rules.—*Ibid, and C. P. M. paras* 711-713.

Applications of leave from Sub-Assistant Surgeons.

2905 Applications from Sub-Asisstant Surgeons in Civil employ for leave of absence from their stations must, previous to submission to Government, receive the countersignature of the Deputy Inspector General of Hospitals, in token of his being able to provide suitably for the medical duties of the station during the applicants' absence.—*Govt. Order L P. April* 13*th*, 1854 *and C. P. M para.* 715.

Casual leave.

2906. Casual leave for a few days may, in cases of sickness, be granted by the Head of the Office at his discretion without loss of salary, and without such leave being taken into account as part of the two years allowed by Clause 1 of Section V.—*Order of Govt. of India June* 12, 1857 *and C. P. M. W. P para.* 716.

Not to be reported.

2907. Casual leave granted by Heads of Offices to their subordinates on the establishment is not to be reported to Civil Pay Master, in the monthly leave statement.—*Govt. Order W. P. April* 14, 1859 *and Ibid, para.* 717.

What cases to be reported.

2908 Every case in which a substitute may be appointed to act for any Uncovenanted or Ministerial Officer of his establishment when on leave, to be reported by Heads of Offices to Civil Pay Master.—*Govt. Order Sept.* 20, 1854 *and Ibid, para.* 719.

Registers of leave of absence.

2909. Every Office to open Registers of leave of absence granted to the members of its establishment, and the following first two Forms to be adopted by the several Local Governments, and administrations, and introduced in all the Offices under their control. In regard to sick leave and private affairs leave, granted to ministerial Officers drawing less than Rs. 100 and more than 10 Rupees a month, a separate Register to be opened in the prescribed Form. It is not considered necessary that the Heads of Offices should furnish the Civil Pay Master with a "monthly statement of leave of absence of every description granted to Uncovenanted Servants," &c. in addition to the monthly statement prescribed by the orders of this Government, dated 9th November 1857. The Alphabetical Register introduced in his Office by the Civil Pay Master at this Presidency is highly necessary, but to be in the following Form. Adverting to the remark of the Civil Pay Master Fort William, that Uncovenanted Servants "can claim" privilege leave and casual leave, that Officer's attention is drawn to Section IX. of the Uncovenanted Absentee Rules, wherein it is distinctly explained that no leave on private affairs is claimable as a matter of right; and to the Financial Resolution dated 12th June 1857 wherein it is stated that casual leave may be granted by the Head of the Office at his discretion.—*Order of Govt. of India April* 30, 1858 *and C. P. M. W. P. paras.* 720 724.

For paragraph No. 2910, 1st Form see next Fly Sheet.

2911. 2ND FORM.

Register showing the period of absence of members of the Establishment of ——— drawing 100 Rupees a month and upwards on leave on private affairs under sections 7, 8 and 9 of the Uncovenanted Absentee Rules, dated 22nd February 1856, for the year (same as 1st Form) col. 6 will of course be blank when leave is given under Sec. 7

2912. 3RD FORM.

Register showing the period of Absence of members of the Establishment of drawing more than 10 Rupees a month, on Casual Leave, under the provisions of the Financial Resolution of the Government of India, dated 19th March 1858, for the year

NAMES.	Salaries.	Number of Days absent in each of the following Months.												Total number of days absent in the year.	REMARKS.
		January.	February.	March.	April	May.	June.	July.	August.	September.	October.	November.	December.		

Register of leave to Officers drawing less than 100 Rs. a month.

2913. In regard to sick leave and private [illegible]ave granted to Ministerial Officers drawing less than 100 Rupees and more than 10 Rupees a m[illegible] Honor in Council desires that a separate register may be opened in the following form :—

Register showing the period of absence of memb[illegible] the Establishment of [illegible] Drawing less than 100 Rupees and more than 10[illegible]ees a month, on leave granted to [illegible]em according to the Uncovenanted Absentee Rules, dated 22[illegible] February 1856, for the year [illegible].

Names,	Number of days absent in each of the following Months.													Total number of days absent in year.	Amount deducted from the Salary of the Absentee in each of the following months.												REMARKS.
	Salaries.	Nature of Leave.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	

2914 Annual Absentee Register of Uncovenanted Servants drawing more than 10 Rupees a month in the year alphabetically arranged

Name of Absentee.	Office held by Absentee.	Monthly salary.	Absent					
			Without leave.	On Sick Leave under Section V	On Privilege Leave under Section VII	On Private Affairs Leave under Section VIII	On Private Affairs Leave under Section IX	On Casual Leave under the Provisions of the Financial Resolution dated 19th March, 1858

2915 The rules of the 22nd February 1856 are applicable to "all Officers in the Uncovenanted Service of the Government who may be in the receipt of salaries of Rupees 100 a month and upwards" and the Office of audit is invariably to make the deductions provided for in the Rules, in every case in which leave is granted to such Officers under the Rules, whether it be granted by Government or by Officers to whom power to act upon the Rules may have been delegated by Government Heads of Offices in granting leave to Officers drawing salaries of less than Rupees 100 a month, to be guided by the spirit of the Rules prescribed for those servants who are in the receipt of salaries of Rupees 100 a month and upwards. Leave not notified in the Government Gazette granted to Uncovenanted Servants in excess of the few days provided for in the Financial Resolution, dated 12th June 1857 to be reported monthly (instead of annually) to the Civil Pay Master in the following Form The Office of Audit to check the amounts entered in the Form at the time the Establishments Bills are sent to be passed, on the understanding that deductions are invariably to be made, in accordance with the Rules, from the pay of all absentees whose names are entered in the Form (whether they may be in the receipt of 100 Rupees a month or less) except when special directions are issued by the Heads of Offices to make larger deductions, which may be necessary in cases of Officers drawing less than Rs 100 whose duties cannot otherwise be provided for without extra expense to Government —*Order of Govt of India April 30th, and Nov 9th, 1857 and C. P M paras.* 725 729

Rules of 22nd February 1856 applicable to all uncovenanted Officers

2916 Monthly statement of Leave of Absence of every description granted to Uncovenanted Servants drawing more than 10 Rupees per mensem in the Office of the for the month of

Name of the Absentee	
Office held by Absentee	
Monthly Salary	
Without leave	
Sick leave under Sections IV and V	
Private affairs under Section VIII	
Special leave on private affairs, under Section IX	
Privilege leave under Section VII	
Casual leave on private affairs	
Casual leave for sickness	
Period of absence during the Month	
Amount of deduction from the Salaries	
Rate of deductions	
Name of substitute (if any)	
Amount payable to substitute	
Net Amount to be retrenched from pay abstract for the above Month	
Remarks	

Casual leave of absence can be granted by heads of Offices in cases of sickness, death of near relatives, &c.

2917. Heads of Offices, subject to the orders of their own Government, to grant at their discretion, casual leave of absence from Office, in case of sickness, death of near relatives, &c., without limitation, on condition that the Local Government shall see that the discretionary power to be placed in the Heads of Offices is not abused. Such casual absence from Office not to be reported to Civil Pay Master, but they should be systematically entered in a book to be kept in each Office, and when an application for privilege Leave may be received, the leave should be granted or refused with some reference to the entries in the book. Reports, however, should be made as at present to the Civil Pay Master, in respect to the other descriptions of leave.—*Order of Govt. of India, Sept 28th,* 1858 *and C. P. M. W. P. paras.* 730 *and* 731.

Second leave to Europe.

2918. When leave to proceed to England is granted to Uncovenanted Officers for the second time, the fact of its being a second leave should invariably be noticed in the letter granting such leave.—*Order of Govt. of India April 8th,* 1859 *and C. P. M. W. P. para.* 733.

Preparatory leave previous to resigning the service.

2919. Uncovenanted Servants about to resign the service, who are residents in India, and have no voyage to prepare for, have no claim to a months' "preparatory" leave, but this indulgence which is granted on half pay to Covenanted Servants to be extended to European Uncovenanted Servants intending to proceed to Europe immediately on retirement, on the understanding however that it shall be subject to the same condition as the leave to Covenanted Officers, *viz* that it shall be granted only in case it can be given without detriment to the Public Service.—*Ibid, April 29th,* 1859 *and Ibid, para.* 734.

Cancellation of leave.

2920. Applications for the cancellation of unexpired portions of leave and for leave that the applicant has not availed himself of, not necessary. In future it will be sufficient to report the return of Officers to duty, noting thereon what portion of their leave remains unexpired.—*Govt. Order April 14th,* 1860, *and Ibid, para.* 735.

2921. The grant of Privilege and all other leave is subject to the provision contained in Section XIV. of the Uncovenanted Rules, in the concluding part of which it is stated that "no additional expense is on any account to be incurred by the absence of any Officer on leave."—*Order of Govt. of India March 29th,* 1860 *and Ibid, para.* 736.

RULES FOR LEAVE ON MEDICAL CERTIFICATE IN INDIA, IN EUROPE OR ELSEWHERE.

Application for such leave to be accompanied by a medical statement and certificate.

2922. When an application for leave of absence is made on the ground of illhealth, it must be accompanied by a statement of the case from the medical man by whom the applicant has been attended, distinctly stating from personal observation, the nature of the disease the symptoms by which it is manifested, the causes by which it has been probably produced, and the period during which it has existed, so far as the knowledge of the medical Officer extends, and by a certificate from the chief medical Officer of the Station or District, or, if at a Presidency Town, from a Presidency or other Official Surgeon, certifying after careful personal investigation the necessity for temporary removal, and the period for which absence is, to the best of his judgment absolutely requisite for restoration to health. If the requisite leave be for a longer period than six months, the certificate must, in the first instance, be countersigned by the Deputy Inspector General of Hospitals of the Division in which the applicant may be located, and, in cases of leave beyond sea, be afterwards submitted, with the statement of the case, for the consideration and countersignature of the Principal Inspector General Medical Department. The Certificate to be given in the following form :—I, A. B. Surgeon at or of do hereby certify that E. F. (here enter designation of Office) is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment a change of air is essentially necessary to his recovery, and that the circumstances of his case are such as to render leave of absence for the period of absolutely necessary (or highly desirable.) The following form to be observed by the Deputy Inspector General of Hospitals and the Principal Inspector General Medical Department in countersigning the Certificate : I (or we) do hereby certify that according to the best of my (or our) professional judgment, after careful consideration of his case, I (or we) believe the state of health of E. F. to be such as to render leave of absence for a period of absolutely necessary (or highly desirable) for his recovery. An application for extension of leave must, if the applicant be in India, be accompanied by a certificate to a like effect from the Medical Officer by whom the applicant is attended, together with a statement shewing sufficient reason for the extension solicited, and such Certificate must be countersigned by the Principal Inspector General Medical Department, or by the Deputy Inspector General of Hospitals of the

If it be for leave for more than six months or beyond sea.

Form of certificate.

Counter signature.

Application for extension of leave to be accompanied by a certificate. By whom should such a certificate be signed.

division in which the applicant may be located. In like manner, if the applicant shall have proceeded beyond the territories under Her Majesty's Indian Government, he must furnish a Certificate and statement to the required effect from a Surgeon or Physician, at the place of his temporary residence by whom he has been attended; such attendance and the period of it to be stated and the Certificate to be countersigned by the examining Physician of the Office of Secretary of State for India if the absentee is in Europe, or by the principal medical authority of the colony or country to which the absentee may have proceeded; or some sufficient reason stated for the want of such countersignature if not produced. The Officer countersigning must either personally examine the applicant, or state some sufficient reason why he has been unable to do so. When any of the required particulars are neglected, leave will be refused.—*Absentee Rules Chap.* 2, *sec.* 4, *dated Feb.* 22*nd*, 1856, *and C. P. M. W. P. paras.* 737-743.

2923. Leave of absence will be granted under the following limitations to servants who may be declared by a sufficient Medical Certificate to require leave for the retoration of their health.—*Ibid, sec.* 5, *and Ibid, para.* 744.

2924. The limit to leave on Medical Certificate is fixed at three years during the entire period of service, of which not more than two years may be continuous, and two years only will be permitted to reckon as service qualifying for pension.—*Ibid, cl.* 1, *and Ibid, para.* 745.

3 years to be the maximum sick leave.

2925. Leave of absence on Medical Certificate will not be granted for a longer period than twelve months at any one time, which may however be extended if necessary under renewed Medical Certificate for periods not exceeding six months within the limit of two years continuously. After a continuous absence of two years on Medical Certificate, an interval of two years shall elapse before further leave on that account is granted.—*Ibid, cl.* 2, *and Ibid, paras.* 746, *and* 747.

Sick leave not to be given for more than 12 months. Extension.

2926. During one year of the entire period of absence under this rule, the absentee will be subjected to a deduction of one-half, and during the remainder to a deduction of two-thirds of his allowances, provided however that he shall in no case draw a larger sum than Rupees 6,000 (£600) per annum.—*Ibid, cl.* 3, *and Ibid, para.* 748.

Rate of deduction.

2927. In cases of extreme urgency, the Heads of Offices are authorized to grant leave of absence on medical certificate to the extent of one month, provided the same be immediately reported for the sanction of Government.—*Ibid, cl.* 4, *and Ibid, para.* 749.

One months sick leave be granted in urgent cases.

2928. Leave to Europe on medical certificate under Section V. (2923) will be computed from the date of the sailing of the vessel on which the Officer may have embarked from any Port in India, which is not more distant from his station than the Ports of his own Presidency, to the date of his arrival at any Port within the Presidency to which he belongs, or at any other Port which is not more distant from his station than the Ports of his own Presidency. The special leave (vide 2936) willl count as service for pension, and the absentee to draw the same salary as allowed by clause 3, Section V.—*Order of Govt. of India, July* 11, 1856, *and C. P. M. W. P. paras.* 750, *and* 751.

Leave to Europe on medical certificate how to be computed.

2929. Certificates to ungazetted Uncovenanted Officers, to be granted by the Covenanted Head of the Office to which the party on leave may belong and those to Gazetted Officers only will be furnished by Civil Pay Master.—*Govt. Order Nov.* 20, 1856 *and Ibid*, 752.

Certificates to Officers on leave.

2930. Every Uncovenanted Civil Servant immediately on his arrival in England to forward to the Office of Secretary of State for India, a copy of the Government letter granting him leave to Europe, and also a certificate showing the date of sailing of the vessel on which he may embark.—*Order of Govt. of India, Jany.* 5, 1857 *and May* 4, 1860 *and Ibid*, 753.

What paper to be submitted to Secy. of State for India on arrival in England.

2931. Uncovenanted Servants applying for leave to Europe, under circumstances which, according to the Rules in force, entitle them to receive a portion of their pay during such absence, are to state in their applications whether they desire to draw the authorized allowances during their leave, in England, or in this country, and if the latter to what parties the amount is to be paid, these parties giving a guarantee for the refund of any excess payment.—*Govt. Order Jany.* 24, 1857 *and Ibid*, 751.

Applicant to state whether he is desirous to draw the authorized allowances during leave.

Separate applications for special leave not necessary.

2932. Separate applications for special leave (vide 2936) not considered necessary, and the Civil Pay Master is authorized to adjust the allowances for such periods when satisfied that the conditions of the Rules have been fulfilled. This order is restricted to cases of authorized sick leave to the Hills or to sea.—*Order of Govt. of India April* 17, 1857 *and Ibid*, 755.

Preparatory leave.

2933. An Officer proceeding to England on sick leave from a Presidency Town to be allowed preparatory leave for a period not exceeding one month.—*Ibid, June* 12, 1857 *& Sept.* 7, 1861 *and Ibid*, 756.

2934. If an Officer while absent on privilege leave, be granted extended leave under medical certificate he will be considered liable to the Rules applicable to leave of absence, on medical certificate for the whole period of his absence.—*Ibid, July* 31, 1857 *and Ibid*, 757.

Uncovenanted servants proceeding to Europe on leave to be furnished by Civil Pay Master with a certificate.

2935. In all cases of leave of absence to Europe granted to Uncovenanted Civil Servants, they are to be furnished by Civil Pay Master with a certificate showing the period for which leave has been granted, the amount of their salaries, the proportion thereof to which they are entitled under the Regulations during absence, and whether it is to be drawn in India or otherwise. They are to report their arrival in England, and to transmit the prescribed certificate.—*Ibid, Augt.* 7, 1857 *and Ibid*, 758,

Special leave.

2936. Special leave to be allowed, for the interval elapsing between departure from station to the commencement of reckoning absence, or between the end of reckoning absence and re-arrival at Station, for an additional period of four, six, or eight weeks according as the distance to be travelled shall not exceed 300 or 600 Miles, or be in excess of the last mentioned distance, on the condition that during this additional period the absentee shall be entitled to draw the same rate of allowance as laid down in para. 2926. If the leave on medical certificate be taken in India the preparatory leave is to be calculated at the rate of one day for every 15 miles, of the distance to be travelled to the sanatarium.—*Ibid, Oct.* 14, 1857 *and Ibid*, 759 *and* 760.

Office personal allowance.

2937. An Officer is allowed to draw during the period of his absence on sick leave to Europe the whole office personal allowance in addition to the moiety of his fixed salary, provided the arrangements for the dischage of his duties can be made without extra expense to Government.—*Ibid*, *March* 11, 1859 *and Ibid*, 762.

Leave in excess of two years.

2938. On a reference to the Government N. W. P. Mr. C. partrol of Arial was granted extension of leave, but to draw no absentee allowance for the period of absence in excess of two years, nor will that period be reckoned as qualifying for pensions.—*Govt. Order April* 14, 1859 *W. P. and Ibid*, 763.

Sick leave can not be granted to persons who have submitted in support of application for pension certificate of unfitness to continue in office.

2939. The grant of sick leave to an Uncovenanted Servant who has submitted, in support of his application, to retire on a pension, a medical certificate of his unfitness to continue to perform the duties of his office, is incorrect and cannot be allowed. He should at once be discharged, and if a pension be subsequently granted, it should count from the dates specified in the financial resolution of the 21st February 1856 which laid down rules as to the commencement of pensionary allowances.—*Ibid, Nov.* 15, 1859 *and March* 21, 1860 *and Ibid*, 764.

2940. An Officer who has had sick leave for 12 months only from the time he left Bombay; is clearly entitled, with reference to the financial notifications, dated respectively the 11th July 1856 and 14th October 1857 (2928 and 2936) to half pay (not exceeding £500 per annum) for the regulated period of transit from Kurrachee to Bombay, for the full twelve months of his absence, and for the regulated period for rejoining his appointment at Kurrachee after landing at Bombay.—*Ibid, March* 13, 1861 *and Ibid*, 765.

PRIVILEGE LEAVE Can be granted one month in a year.

2941. Leave of absence may be granted for one month in each calender year without deduction from salary, provided that the indulgence can be granted without injury to the public service or additional expense to Government. Those servants who may not have occasion to apply for the whole months leave at once, may divide it into two instalments. No second leave shall be granted under this rule until the completion of eleven months from the expiration of the last leave, if taken at one time, or from date of return from any sick leave or leave on private affairs, or if the leave be taken by instalments until the completion of six months from the expiration of the last instalment (if it has been divided) taken in a past Calender year. Uncovenanted servants not availing themselves of the indulgence in any one year, may, at the option of the Local Government, obtain, under the like conditions,

Or in two Instalments.

Cumulative leave.

leave of absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave, and if two years elapse without enjoyment of the privilege, leave for three months may in like manner, at the option of the Local Government, be granted at the expiration of thirty-three months from the termination of the last preceding leave; but no leave shall be granted under this Rule for any period exceeding three months. If a servant shall not return at the expiration of the period of leave granted him under this rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one month beyond the term granted, his Office shall become vacant.—*Absentee Rules Chap.* 3 *sec.* 7, *and Order of Govt. of India June* 27*th, and Sept.* 25*th,* 1857 *and C. P. M. para.* 766, 771.

Penalty for exceeding leave

2942. Officers of the Judicial Department taking leave during the authorized closing of the Civil Courts will be allowed to draw full salary during such leave, but will not be held entitled, in addition thereto, to privilege leave under the 1st Clause of this Rule.—*Ibid and* C. P. M. *para.* 771

Leave to judicial Officers.

2943. Leave taken under Section VII. will reckon as service qualifying for pension.—*Ibid, sec.* 8, *cl.* 3 *and Ibid,* 772.

2944. Uncovenanted Judicial Officers who do not avail themselves of the leave granted during the Dusserah and Mohurum vacations, are allowed one, two or three months privilege leave at any time after completing a consecutive service of 11, 22 or 33 months. Ministerial Officers forming the Establishment of the Uncovenanted Judicial and Revenue Officers such as Sudder Ameens, Moonsiffs, and Deputy Collectors and Deputy Magistrates, are not recognized as subject to the leave Rules, it having been decided by Government that they are not entitled to the benefits of the pension Rules.—*Order of Bengal Govt. Oct.* 13*th,* 1858 *W. P. January* 18*th,* 1859 *and Ibid, paras.* 774 *and* 775.

Judicial Officers not taking leave during long vacation to be entitled to privilege leave

Leave rules not applicable to Ministerial Officers of Uncovenanted Judicial Officers.

2945. Privilege Leave to Uncovenanted Judicial Officers, during the closing of the Courts, is only to be granted when the applicant appears to have enjoyed no other leave previously in the course of the year.—*Ibid Dec.* 24*th* 1858 *and C. P. M. W. P. para.* 776.

2946. An Uncovenanted Officer absent on privilege leave, cannot draw his salary until he returns to duty.—*Order of Govt. of India June* 3*rd,* 1859 *and Ibid, para.* 777.

2947. An Officer absent an privilege leave, should he not return on the expiration of such leave but resign the service, cannot be allowed to draw any portion of his absentee allowance—*Ibid, Aug.* 20*th,* 1855 *and Augt.* 26*th,* 1859 *and Ibid,* 778.

2948. Cumulative privilege leave allowed in two instalments (to Mr. D.) who was required to return to his station on account of duty while on leave) as a special case.—*Govt. Order June* 16*th,* 1859 *W. P. and Ibid,* 779.

2949. The orders of 3rd June 1859 which prohibit uncovenanted Servants drawing their allowances during absence on privilege leave, were intended to apply to all classes of uncovenanted Servants—*Order of Govt. of India Sept.* 2*nd,* 1859 *and Ibid,* 780.

2950. Privilege leave on a Medical Certificate does not give the applicant any claim to the same with retrospective effect, in opposition to the established Rule (vide 2893.) If allowed it must as a special case.—*Ibid, April* 12*th,* 1860 *and Ibid,* 781.

2951. An Officer is entitled to one month's privilege leave in the year, which may be allowed in two instalments. If one only is obtained and the other not taken within the Calender year, the balance whatever it may be will be forfeited, and a fresh leave can be granted only after the expiration of eleven months from the expiration of the leave that was taken. But if both instalments are taken he will be entitled to a fresh privilege leave after the completion of eleven months from the expiration of one month after the commencement of the first instalment.—*Ibid, April* 12*th,* 1860 *and Ibid,* 782.

Second Instalment if not taken within the calender year to be forfeited.

2952. The native Judges and other Officers attached to the Civil Courts in the North Western Provinces, to be placed on much the same footing, in respect to holidays, as Officers of other departments, and Clause 2 of Section VII. (2942) of Uncovenanted Leave Rules can no longer be held applicable to them.—*Ibid, March* 16*th,* 1861 *and Ibid,* 783 (*But again the Civil Courts are now allowed one month for the Dassera vacation.*)

Officers in Educational Department.

2953. Officers in the Educational Department who are at the head of Government Schools and Colleges, obtaining the authorized vacations at Mid-summer and Christmas, will not be entitled to another month of privilege leave under Section VII, but not taking the same, they can get, if the Government sees fit, another month's privilege leave, or may allow it to accumulate for two or three years. Leave for one month immediately preceding the commencement of a vacation, cannot be taken, as privilege leave and leave during the vacations are not granted during the same year.—*Ibid, May 8th,* 1861 *and Ibid,* 784 *and* 785.

Leave cannot be taken immediately preceding vacation.

Commissioners can grant privilege leave (but not in N. W. P.)

2954. Commissioners of Revenue and Police are vested with the power to grant privilege leave to the full extent to all Uncovenanted Officers subordinate to them, but all other descriptions of leave to remain in hands of Government.—*Ibid, August 1st,* 1861 *and Ibid,* 786.

2955. The order contained in the preceding para. vests in Commissioners the power to grant privilege leave under the Rules, and makes no restriction that the grantees should pass that leave in his own District. With reference to the above, Commissioners should ascertain from the Civil Pay Master whether the leave is admissable before they grant it ; and for the purpose of publication in the Official Gazette, the same to be communicated to the Government under which they may be serving.—*Ibid, Sept. 2nd,* 1861 *and Ibid,* 787 *and* 788.

Above rules do not apply to N. W. P.

2956. The authority contained in the above two paras. is not vested in Commissioners under the Government, North Western Provinces.—*Govt. Order Nov.* 5, 1861 *W. P.*

LEAVE ON PRIVATE AFFAIRS can be granted for six months in six years on half pay.

2957. On sufficient cause being shown, leave of absence may be granted on private affairs for not more than six months, one half the absentee's salary being deducted for such period of absence, provided the rate of Rupees 6000-0-0 (£600) per annum be not exceeded. The leave granted under this Section if taken in India will be computed from the date of the absetee's quitting his post to the date of his return thereto. And if taken to Europe or beyond Indian limits from the date of the sailing of the vessel on which the absentee may embark from the port nearest his station to the date of his arrival at the same on his return to duty. A second leave of the same description cannot be taken till the expiration of six years from the date of return to duty from a former leave. No portion of the salary allowed to be drawn will be claimable till the absentee shall have returned to his duty.—*Absentee Rules, sec.* 8, *cl.* 1, *and* 2, *Order of Govt. of India June* 27, 1857 *and C. P. M. paras.* 789-792.

2958. Leave taken under Section VIII. will reckon as service qualifying for pension.—*Ibid, cl.* 3, *and C. P. M.* 793.

Cannot be granted for more than six months at a time.

2959. The Judge of the Saugor and Nerbudda Territories granted nine months leave of absence on private affairs to a Moonsiff ; on a reference to the Government N. W. P., it was explained that only six months leave of absence can under the existing Rules be granted on private affairs, with the receipt of any part of the incumbent's allowance ; the remaining three months were allowed with retention of appointment but without the benefit of its allowances.— *Govt. Order Dec.* 2, 1854 *W. P. and Ibid,* 794.

2960. Clause 2, Section VIII. of the Rules (2957) not to be changed, as it was introduced with reference to the provisions of the Rules for leave to Covenanted Servants, and was intended to act as a check on persons taking leave on private affairs.—*Order of Govt. of India Nov.* 14, 1856 *and Jany.* 2, 1857 *and Ibid,* 795.

2961. As a special case Mr. L. Executive Engineer Basein River, was granted nine months leave of absence without pay, in addition to the six already obtained by him to proceed to Europe. The whole period was allowed to be regarded as if authorized under Section IX.—*Ibid, March* 27, 1857 *and Ibid,* 796.

2962. Leave under Section VIII. cannot be taken in continuation of privilege leave under Section VII. of the same Rules.—*Ibid, June* 27, 1857 *and Ibid,* 797.

Officer on leave resigning not allowed absentee allowance.

2963. An Officer absent on special leave, should he not return on the expiration of such leave, but resign the service, cannot be allowed to draw any portion of his absentee allowance.—*Ibid, Aug.* 20, 1855 *and Aug.* 26, 1859 *and Ibid,* 798.

No interval necessary between Privilege and Special Leave.

2964. No interval is required to elapse, after return from privilege leave under Section VII. before special leave under Section VIII. can be taken. The general restriction that both leaves cannot be taken together, is a sufficient protection against any abuse of the former leave.—*Ibid, Aug,* 26, 1859 *and Ibid,* 799.

2965. The Rule (2957) which prohibits Uncovenanted Servants drawing their allowances on private affairs leave, is to apply to all classes of Uncovenanted Servants.—*Ibid, Sept.* 2, 1859 *and Ibid*, 800.

Such leave cannot be granted by instalments.

2966. Leave on private affairs for six months cannot be granted by instalments, but there is nothing to prevent such leave being allowed for a shorter period than six months, provided the condition of leave not being claimable under the same Rule for six years is maintained.—*Ibid, Oct.* 10, 1860 *and Ibid*, 801.

RULES FOR FURLOUGH ON PRIVATE AFFAIRS TO EUROPE, IN INDIA OR ELSEWHERE can be granted one year without pay.

2967. In addition to the leave which may be granted under Sections VI., VII. and VIII., on medical certificate or private affairs, Government may at any time under special circumstances and at its discretion grant leave of absence once during the period of service not exceeding twelve months on private affairs, without forfeiture of appointment, but without pay. The period of absence laid down in the preceding article will not count as service towards pension—*Absentee Rules sec.* 9, *Order of Govt. of India June* 27, 1857 *and C. P. M. paras.* 802 *and* 803.

Preparatory leave.

2968. Leave may be granted to Uncovenanted Servants preparatory to Furlough on private affairs, or for return to station after the expiration of Furlough, only on the terms of Section IX. (2967) for the period specified in the Financial Notification of 14th October 1857, *viz.* four, six, or eight weeks, according to the distance to be travelled shall not exceed 300 or 600 miles, without forfeiture of appointment, but without pay, the period of absence not counting as service towards pension. If the Furlough however be enjoyed in India, no preparatory leave to be granted, the Furlough being reckoned from the date of the absentee's quitting his post to the date of his return thereto.—*Order of Govt. of India Jany.* 22*nd*, 1858 *and Ibid*, 804 *and* 805.

Officers officiating for those on such leave entitled to full salary.

2969. An Officer officiating for an absentee on leave under section IX. is entitled to the full salary forfeited, and in like manner all others who are appointed consequent on such change to acting Offices the salaries of which become available accordingly. The Rule laid down in the preceeding para is not applicable to all acting appointments, from whatever cause arising, provided the full salary is available; but to cases in which the actual incumbent is absent on leave, granted under Section IX. of the Uncovenanted Service absentee Rules.—*Ibid, August* 19*th*, 1859 *and Ibid*, 807 *and* 808.

But rule not applicable to all acting appointments.

No limitation of time when furlough is available.

2970. As Furlough under Section IX. (2967) can be granted only once for a period not exceeding twelve months, under special circumstances, and at the discretion of Government, and without pay and as absence on Furlough does not count for service towards pension, it is not considered necessary to prescribe any limitation as to time after which Furlough is obtainable by an Uncovenanted Servants.—*Ibid, July* 8*th*, 1859 *and Ibid*, 809.

2971. Leave of absence under Section IX. cannot be granted in continuation of leave under Sec. VIII. The word "addition" in the former section, was never intended to mean "continuation."—*Ibid, July* 15*th*, 1859 *and Ibid*, 810.

Three months should elapse from return from Privilege Leave before Furlough can be granted.

2972. The Rule which requires a Covenanted Civil Servant to serve three months after return from privilege leave before he can obtain Furlough extended to Uncovenanted Servants. No special interval is required, between the grant of sick leave under Sections IV. and V. and Furlough under Section IX. the conditions laid down in the last mentioned section, being considered a sufficient check against any abuse of the privilege of taking Furlough. No interval required after return from special leave under Section VIII. before a Furlough under Section IX. can be granted. The Rule (2965) that the leaves cannot be continuous, is a sufficient restriction. The provision contained in Section IX. (2967) clearly shews that Furlough cannot be taken by instalments by an Uncovenanted Servant. It may, however, be taken any where in or out of India, but if taken in India preparatory leave cannot be granted.—*Ibid, August* 26*th*, 1859 *and Ibid, paras.* 811-814.

TIME FOR JOINING APPOINTMENTS.

Extent of time allowed.

2973. The time ordinarily allowed for joining an appointment is to be calculated at the rate of 15 miles a day (sundays excepted,) together with a week to prepare for the journey, but on occasions of emergency it will be optional with the Government to prescribe the period within which any journey is to be performed.—*Absentee Rules Chap.* 4 *sec.* 13, *and Order Govt. of India Feb.* 22*nd*, 1856 *and C. P. M. para.* 987.

Not allowed when transfer takes place during long vacation

2974. When a change of appointment is to have effect from the opening of the Courts after the Dusserah and Mohurrum vacations, an Officer not to be allowed travelling time to join, but is expected to assume charge of his new Office on the opening of the Courts.—*Govt. Order March 1st*, 1854 *W. P. and Ibid*, 988.

Sub Assistant Surgeons

2975. Sub-Assistant Surgeons to be allowed travelling time, on their first appointment to a station, at the rate of 15 miles per diem, not including sundays, with 15 days in addition for making their preparations after being appointed to stations. When transferred from one appointment to another, they are also to be allowed the 15 days for preparation.—*Order of Govt of India July 14th*, 1854 *and Ibid*, 989 *and* 990.

Journey by Railway.

2976. For the portion of the journey traversable by Railway, 100 miles a day to be allowed, and the same rate per steamer or the time actually occupied in the voyage when by accident the duration of the voyage exceeds the time calculated at the rate of 100 miles a day. With reference to the preceding article, an Officer proceeding to join his appointment either by Railway or by Sea ; to be allowed a fortnight's leave for preparation.—*Ibid, March 30th, and Sept.* 7, 1861 *and Ibid*, 991 *and* 992.

SECTION III.

RULES FOR PAY AND ALLOWANCES.

Allowance to Officers in charge of Judge's Office

2977. Principal Sudder Ameens or Sudder Ameens nominated to act in temporary charge of the current duties of the Office of Civil and Sessions Judges are entitled to Rs. 225, the moiety of the established deputation allowance granted to persons officiating in charge of the entire duties of the Office, but the allowance cannot be drawn until after the first month under sec. 27 of the Covenanted Absentee Rules.—*Govt. Order Feby. 29th*, 1836, *Feby. 23rd*, 1852, *and C. P. M. para.* 815.

Grades of Uncovenanted Deputy Collectors

2978. Uncovenanted Deputy Collectors of land revenue are divided into three classes. The first grade draws Rs. 450, the 2nd Grade 350 and the third Grade Rs. 250, exclusive of establishment, which is a separate charge and borne on the strength of the Zillah Office.—*Govt. Order March 31st*, 1843 *W. P. Order of Govt. of India June 19th*, 1846 *and Ibid*, 837.

Revised scale of allowances of Deputy Collectors

2979. The following revised scale of allowances is fixed for Deputy Collectors under regulation IX. of 1833, viz. 8 at Rs. 600, 20 at Rs 400, and 17 at Rs. 200. Total 45, Rs. 17,050 under the three following rules :—

FIRST. The two Deputy Collectors who now draw Rs. 450 salary and Rs. 200 personal allowance, to be placed in the 1st class of 600, the extra 50 being considered personal.

SECOND. Present incumbents in the 2nd and 3rd grades to be governed by the existing Rule of promotion and to receive no higher salaries than those therein prescribed till the total charge, exclusive of personal allowance, is reduced to the ultimate estimate of Rs. 17,050 per mensem.

THIRD. The new system to have full and immediate force in respect to appointments prospectively made. The cases of old and deserving servants whose promotion may be delayed very long under the new system, to be treated specially as they occur.—*Govt. Order April 22nd*, 1853 *W. P. and Ibid*, 838.

Salary of Extra Assistants in Punjab

2980. The salaries of the extra assistants in the Punjab are fixed as follows :—

8	at	600	each—	4,800
20	at	400	„ —	8,000
20	at	250	„ —	5,000
48			Rs.	17,800

No Officer to be promoted until he has served 5 years in the 3rd grade ; but after that period has been completed, promotion to take place irrespective of service.—*Order of Govt. of India, Feby. 17th*, 1854 *and Ibid*, 839.

Promotion to be by merit and not seniority.

2981 In the Judicial Department of Uncovenanted Officers, the system prevails by which a certain proportion of the whole body is employed in each grade without any promotion regulated by fixed periods of service, and this rule is to be held applicable to Uncovenanted Officers of the Revenue Department. The substitution of promotion by merit for promotion by seniority, is approved. Unless special reasons exist, the same Rules of promotion is to be introduced in the Extra Regulation Provinces in the Punjab, as well as in the Bengal and the North Western Provinces.—*Ibid, Jany. 12th*, 1855 *and Ibid*, 840 *and* 841.

2982. It is part of a Naib Tehseeldar's duty to take charge of the office in the absence of the Tehseeldars, but he does not necessarily acquire a right to extra remuneration by performing that duty.—*Order June 13th*, 1851 *and Ibid*, 843.

Allowance of Tehseeldar acting as an Extra Assistant.

2983. It does not follow that a Tehseeldar permanently appointed to an extra Assistant ship, who would in the first instance draw a salary of no more than Rs. 250 (the salary of the last grade of Extra Assistants,) ought on that account to have his allowances, when acting temporarily in a superior grade, restricted to that sum. He ought on the contrary rather to be allowed the amount to which he would be entitled under the ordinary bearing of the Uncovenanted Rules, viz. half the salary of his substantive appointment and half the average salary of the particular description of appointment in which he is acting.—*Order of Govt. of India March 6th*, 1860 *and Ibid*, 844.

Allowance of Officer suspended and of the person acting for him.

2984. An Officer, who may have been suspended from office, should he thoroughly clear his character, is to suffer no loss of salary, and the amount paid to the Officer Officiating in his place to be an additional charge to Government, unless there should be sufficient ground for charging it to the authority by whom the Officer may have been improperly suspended. But an Officer may have been justly suspended from office, though it be not thought necessary to visit him with the penalty of dismissal; in such a case, the amount paid to the officiating Officer to be a charge on the salary of the suspended Officer. If the suspended Officer be finally dismissed, and the officiating officer be confirmed in the situation, the latter to receive the whole salary of the office; otherwise such portion would be paid to him as if the suspended officer had been on leave of absence.—*Despatch of Court of Directors, Dec. 23rd*, 1840; *Order of Govt. of India Feby. 15th*, 1851, *and Ibid*, 879-881.

Allowance to persons in the receipt of eleemosynary stipends.

2985. Persons in the receipt of stipends of an eleemosynary nature, such as superannuation pensions, allowance for the support of ex-mafeedars, or stipends granted by the free will of Government to dependents of Native Chiefs, whose dominions have been incorporated with its own, when employed in the Uncovenanted Service of the State, are entitled to the allowance of the office, less the amount of stipend; or to the stipend less the allowance of the appointment, as the case may be, in excess of pension or allowance.—*Govt. Order March 21st*, 1846 *and Ibid*, 882.

Allowance during transit.

2986. In the event of the situation from which the Officer proceeds being instantly filled up, and the appointment to which he is nominated being only vacated on his receiving charge, the salary to which he is entitled in transit is to be borne as an extra charge by the State.—*Order of Govt. of India Dec. 26*, 1846, *and Ibid*, 883.

2987. It was decided in this Department on the 7th Sept. 1860 that the personal allowance of an Uncovenanted Servant, if it is given as a compensation for loss of salary is, like salary, to be subject to deduction during absence on leave, but if granted as a reward for meritorious service, must be viewed in a different light and exempted from all deduction. This decision having, however, been over-ruled by the Right Hon'ble, the Secretary of State, in his Despatch No. 59, of the 30th April 1862, His Excellency the Governor General in Council is pleased to direct that in all cases where leave of absence is granted to an Uncovenanted Servant in the receipt of personal allowance, that allowance, whether granted as a compensation for loss of salary or bestowed as a reward for meritorious service is to be subjected to deduction like salary.—*Order of Govt. of India July 19th*, 1862.

2988. One divdual is not permitted to draw at the same time the salary of two appointments.—*Govt. Order Feby. 25*, 1798 *and July* 13, 1849 *and C. P. M. para.* 1885.

2989. An Officer promoted to an appointment of superior emolument at another station, and deputed to officiate at a distance, is entitled to the increased allowance from the date of taking charge of his acting appointment.—*Govt. Order March* 27, 1850 *and Ibid*, 886.

Allowance during attendance in Supreme Court.

2990. An Officer required to attend the Supreme Court at Calcutta, will suffer no deduction from his salary on account of his absence; any allowance given to another for the performance of his work, to be passed in a contingent bill to an amount not exceeding half the salary of the office.—*Govt. Order Oct.* 20, 1858 *and Ibid*, 187.

Salary of an Officer appointed to a post on less salary.

2991. An Officer appointed to a situation, the salary of which is less than that of the one previously held by him, is permitted to draw the difference as a personal allowance to secure him from less; when he proceeds on leave the personal allowance to be treated precisely the same as salary and subject to deduction.—*Order of Govt. of India Sept.* 1, 1858 *and July* 19, 1860 *and Ibid*, 888.

Salary during the transit.

2992. As an Officer (Ministerial) appointed to a situation draws his salary only from the date of taking charge thereof, his salary is to be included in the Establishment bill of the District to which he was attached prior to his transfer, until he assumes charge of his new appointment in another District,—*Ibid, Sept.* 4, 1854 *and Ibid*, 890.

Salary of suspended Officer

2993 In the case of an Officer under suspension, his entire salary should be carried to the credit of Government, or held in deposit, pending the result of the investigation of his case.—*Govt. Order Feby.* 8*th*, 1856 *and Ibid*, 892.

Allowance of Officer committed to prison for debt or on a criminal charge.

2994. A servant of Government committed to prison either for debt or on a criminal charge, to be considered under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings, against him, when an adjustment of his allowances will be made according to the circumstances of the case; the full amount being given only in the event of the Officer being acquitted of blame, or, if the imprisonment was for debt) of its being proved that the liability arose from circumstances beyond his control.—*Despatch of Secy. of State for India Dec.* 22*nd*, 1859 *and Order of Govt. of India Feby.* 6*th*, 1860 *and Ibid*, 893.

Parties desirous to draw pay during leave to give security

2995. Parties who may desire to draw their allowances while absent on leave on medical Certificate in India, in Europe, or elsewhere, will be required to give security in such amount and form as may be fixed by Government (now Civil Pay Master,) for the refund of any excess that may be drawn in case of their coming under retrenchment.—*Absentee Rules Chap.* 2, *sec.* 6, *Feb.* 22*nd*, 1856 *and Order of Govt. of India Sept.* 11*th*, 1857 *and Ibid*, 894.

Form of Security bond.

2996. With reference to the preceding para. personal securities are sufficient, and the following from to be adopted. I (or we) A. B. Agent (or agents) of C. D. of the Uncovenanted Civil Service, do hereby engage, in the event of my (or our) being permitted to draw the pay and allowances of my (or our) aforementioned constituent during his authorized absence from the Presidency, to be answerable for all public retrenchments that may be issued against him to the amount of my (or our) receipts. This Rule is applicable to all the Presidencies.—*Order of Govt. of India Jany.* 2*nd*, 1857 *and Ibid*, 895.

Above rule applicable to sick leave only.

2997. This Rule (vide 296) is to be applicable only to the allowances which they may be entitled to receive during any sick leave taken under the Regulations.—*Ibid, April* 28*th*, 1858 *and Ibid*, 897.

Security can be dispensed with in certain cases

2998. Whenever, however, they may remain in India and draw their bills themselves, and attach to it a life Certificate attested by a Deputy Magistrate, or a Covenanted District Officer; such security may be dispensed with. The Rule (2995) respecting security, to be held applicable to Uncovenanted Servants, viz Ministerial Officers as well as those appointed direct by Government.—*Ibid, August* 26*th*, 1859 *and Ibid*, 898 *and* 899.

2999. An Officer visiting England can draw his salary during absence through his agents on guarantee on application to the Civil Pay Master, instead of, as is now the Rule going up to Government for sanction in each individual case.—*Ibid, Feby.* 11*th*, 1861 *and Ibid*, 900

3000. The heirs or representaives of absentees who may die during the term of leave to be held entitled to any arrears of allowances due to the deceased.—*Order of Govt. of India Nov.* 14*th*, 1856 *and Ibid*, 896.

3001. No persons appointed to a situation under the Government shall draw the salary of his appointment for any period prior to the date of his joining it.—*Uncovenanted Absentee Rules Chap. 4, sec.* 11, *Feby* 22*nd*, 1856 *and Civil Pay Master's Manual W. P. Para.* 901.

Salary of Officer appointed to another post.

3002. An Officer holding a situation appointed to one of equal or higher value, will until he joins, draw so much of the salary of his new Office as may be equal to the salary of his former situation, provided he does not exceed the time allowed for joining under the Rules (2974); should he do so, no salary will be passed to him for such period in excess.—*Ibid, sec.* 12, *and Ibid*, 902.

Allowance of Officer officiating in a station.

3003. A person officiating temporarily in any situation, will draw so much of the salary of such situation as may equal the sum deducted on account of absence from the real incumbent, and the substantive allowances of every Officer temporarily acting in a situation of superior emolument, will be subject to deduction at the same rate; *but no additional expense is on any account to be incurred by the absence of any Officer on leave.—Ibid, sec.* 14 *and Ibid*, 903.

Allowance of Military Pensioners re-employed in the Civil Department.

3004. The allowances of Military pensioners of every grade who have been re-employed in the Civil Department are to be regulated according to the orders of the late Honorable Court, viz. that the authorized salary of appointment will be allowed minus the amount of pension, which must be the guide for future. *Order of Govt. of India Jany* 8, 1858 *and Ibid*, 904.

Forfeited portion of pay of absent clerk not to be given to other clerks.

3005. The practice of permitting the forfeited portion of the pay of an Office Clerk temporarily absent from duty, to be given to other Clerks of the Establishment in addition to their fixed salaries, in consideration of the additional labour imposed upon them by such absence, is considered objectionable. The more expedient as well as regular course is for the Head of an Office to appoint an acting man on the forfeited pay of the absentee, whereby the strength of the Office will be really maintained.—*Ibid, Oct.* 11*th*, 1858, *and Ibid*, 905.

Scale of average pay of certain appointments and acting allowances

3006. The provisions of the rule contained in Covenanted Absentee rules (C. P. M. Para. 300) extended to Uncovenanted Servants in cases in which appointments are by classes, as per following scale.—*Order of Govt. of India August* 26*th*, 1859 *and Ibid*, 906.

Scale shewing the average amount of allowences of appointments held by classes and the acting allowences claimable under the orders of the Government of India dated respectively the 26, August 1859 and 5th, March 1860.

	Colectors of Customs.	Patrols.	Assistant Patrols.	Deputy Collectors new grade.	Deputy Collectors old Grade.	Principal Sudder Ameens.	Moonsiffs.	Inspectors Department Public Instruction.	Inspectors Post Office.
Average, ...	500-0-0	275 0-0	125-0-0	416-10-0	350-0-0	500-0-0	125-0-0	700-0 0	275-0-0
Acting, ... Allowance, ...	250-0-0	137-8 0	62-8-0	208 5-0	175-0 0	250-0-0	62-8-0	350-0-0	137 8-0

Allowance for Uncovenanted Officer acting of a Covenanted one.

3007. In extending the provisions of Clause 6, Section 25, of the Civil Absentee Rules, to the Uncovenanted service, it was intended that the same should apply to a member of this service when officiating for a Covenanted Civilian who holds one of the class appointments; but an Uncovenanted Officer acting for another of the same service will be entitled to a moiety of his own salary in addition to the moiety of the average monthly salary of the class appointment in which he is officiating.—*Ibid, December* 23*rd*, 1859, *and March* 5*th*, 1860, *and Ibid*, 907.

Allowance of an Officer officiating in another post not subordinate to his own

3008 An Officer holding a permanent appointment and required by the exigencies of the State, to discharge the duties of another or second Office, (not subordinate to his own) to receive amoiety of the salary of the appointment in which he is officiating, in addition to the full salary of his own appointment, provided that no extra expense be entailed on the Government.—*Order of Govt. of India March* 16, 1860 *C P. M. W. P. Para* 908

Allowance during leave of Officer holding more than one appointment.

3009. An Uncovenanted Officer holding three distinct appointments, for which he receives, a salary of Rs. 1000 per mensem, going on leave of absence, is entitled to his sick leave allowance calculated with reference to the whole Rs. 1000 The circumstances of one of the appointments being that of Income Tax Collector, does not prejudice his claim, for although not being precisely of the nature of appointments ordinarily looked upon as permanent appointments, yet it is likely to last as long as Income Tax is levied.—*Ibid, March* 2, 1861, *and Ibid*, 909

3010 The rule is for an absentee to forfeit salary from the date of giving overcharge, and the acting Officer to draw for the same date up to that of making overcharge, provided of course in either case the relinquishment of Office does not take place in the evening after the official hours of business.—*Civil Pay Masters Manual W. P. para.* 910.

DEPUTATION. ALLOWANCE

Officer officiating in an inferior post not entitled.

3011. An Officer holding a permanent appointment and acting in an inferior one to his own, not entitled to deputation allowance —*Govt Order Oct* 13, 1853 *W P and C. P. M. W. P para.* 911.

Uncovenanted Officer placed in charge of a district entitled to

3012. Uncovenanted Officers placed in charge of a District are authorized to draw Deputation Allowance under the Covenanted Service Rules, and such bills are to be passed without reference to Government. When the Officer so acting is subordinate to the Officer for whom he acts, he will not be entitled under the rule to receive Deputation Allowance as authorized in the preceeding Article, until the expiration of one month from the date of his taking charge.—*Ibid, July* 31*st*, 1854, *and Ibid*, 912.

General principle for granting Deputation allowance

3013. The proper general principle is, that when an increase of responsibility is imposed upon a servant of Government, he should be renumerated for it, and that the cases where there is an increase of work only, or where by the recognized Rules of his service a Covenanted Officer is bound to act for his Covenanted superior in the same Office for a month without extra pay, are very different from the case of a Clerk who is temporarily entrusted with the whole of the functions of his principal, during a vacancy. On this principle, all precedents not enforced by the orders of the Home Government, are overruled, and the full acting allowance which a Civil Servant appointed to act would have received, to be granted.—*Order of Government of India, Novr.* 8*th*, 1858, *and Ibid*, 914.

Above rule applicable to Ministeral Officer

3014. A Ministerial Officer appointed to act for his Covenanted superior in the Office, is entitled with reference to the preceeding para, to draw the full acting allowance from *the date he takes charge*. This ruling is to be held applicable in future, to all similar cases notwithstanding all precedents to the contrary.—*Ibid, March* 11*th*, 1859 *and Ibid*, 915.

Deputation allowance to Uncovenanted Officer acting for a Covenanted Civilian.

3015. An Uncovenanted Officer acting for a Covenanted Civilian, who holds a class appointment is allowed under the combined operation of the Rules of 29th April and 26th August, a Deputation allowance calculated at 20 per cent, on the mean salary attached to the particular class to which the appointment officiated in may belong, keeping in view the important fact that the aggregate of the acting incumbent's substantive pay and his deputation allowance does not exceed the emoluments of the Office he temporarily holds.—*Ibid, Dec* 23*rd*, 1859 *and March* 5*th*, 1860 *and Ibid*, 916.

Allowance to Officer Officiating in more than one appointment.

3016. In the case of an Uncovenanted Officer officiating in more than one appointment, he will be entitled to Deputation allowance regulated by the aggregate amount of the salaries of the Offices under clause 9, Section 25 of the Covenanted Absentee Rules, in addition to the full pay of his substantive appointment.—*Ibid, March* 9*th*, 1860 *and Ibid*, 917.

Acting allowance to an Officer who officiates in any appointment on two occasions within a brief period

3017. The provisions contained in the Resolution of the 3rd June 1859 namely, "that an Officer who has acted in any appointment on two occasions within a brief period (say 12 months) should be permitted to draw acting allowance for any period during which he may have held the officiating appointment in excess of one month, just in the same manner as he would have done had he acted uninterruptedly,"

are extended to the cases of Uncovenanted Servants similarly circumstanced, on the understanding that the allowances granted will be the allowances to which the Officers may be entitled under the rules in force which may be applicable to their several cases. The ruling contained in the preceeding article, will also apply to the cases of Officers in the Non Regulation District.—*Ibid, April 12th,* 1860 *and Ibid,* 918 *and* 919.

3018. When Uncovenanted Officers officiate for Covenanted Officers, the deputation allowance will be regulated according to the principle laid down in Chapter VI. Sections 25, 26, and 27 of the Covenanted Civil Absentee Rules.—*Order of Govt. of India April 29th,* 1859 *and Oct. 5th,* 1860 *and C. P. M. W. P. para.* 921.

Superior Officer holding charge of a subordinate post not entitled to extra allowance.

3019. In a case referred to the Governor General in Council it was decided that Mr. C. officiating Political Agent at Rewah, cannot draw for the period during which he was in temporary charge of the subordinate duties of the First Assistant, any extra allowance beyond what he is entitled to for officiating as Political Agent.—*Ibid, June 26th,* 1861 *and Ibid,* 922.

Acting allowance of Police Officers.

3020. An Assistant Inspector General or Assistant District Superintendent whilst officiating as District Superintendent of Police, is entitled to a Deputation allowance of Rs. 200 per mensem in addition to his substantive pay, provided that the aggregate amount of the two does not exceed the substantive salary attached to the appointment in which he is acting; should such be the case the difference is not to be drawn.—*Govt. Order April 3rd, and August 3rd,* 1861 *W. P. and Ibid,* 923.

TRAVELLING ALLOWANCE.

Officers entitled to, and rate of.

3021. The following Officers are entitled to travelling allowance at the rate of three-tenths of salary. The fixed establishments of Public Covenanted Officers when absent from the station with such Officers on duty.

All Principal Sudder Ameens, Sudder Ameens, Moonsiffs and Deputy Collectors, Deputy Magistrates, Deputy Collectors of Customs, Sub-Assistant Surgeons and Post Masters, when required to travel within their Districts or during transit from one District to another, when ordered on the public service without a view to their promotion or to their acting in a higher grade.

All permanent Nujeebs or Burkundages when ordered beyond the limits of the District or Division within which they are ordinarily required to serve.—*Govt. Order July 11th,* 1846 *sec.* 5, *August 21st* 1847 *sec.* 6, *Oct.* 9, 1848; *Oct.* 5, 1855, *W. P. and Civil Pay Masters Manual W. P. paras.* 924, 926 *and* 958 *and Order of Govt. of India Sept. 10th, and 24th,* 1858.

Officers submitting bills for travelling allowance to send a certificate.

3022. With reference to the Orders of the Government of India No. 4792, dated 14th July 1862, the Civil Pay Master has the honor to request that Officers transferred from one District to another for the benefit of the public service, in submitting bills for travelling allowance will forward at the same time a Certificate *signed by the authority making the appointment* to the effect that this transfer is made "for the benefit of the service, irrespective of the wishes of the Officer transferred."—*Notn. of Civil Pay Master N. W. P. No.* 217, *August 26th,* 1862 *& Order of Govt. of India, No.* 1489, *August 11th,* 1862.

If Officer is required to proceed by dâk.

3023. When an Officer is required to proceed by dâk under special authority from Government, he will receive at the rate of 4 annas per mile, during the time he may so travel, and on the days on which he may not so travel he will receive at the rate of three-tenths of his salary. Certificates in support of both claims must be submitted with the bills to the Civil Pay Master.—*Ibid, July 11th,* 1846 *and Ibid* 933.

3024. Travelling allowance is calculated on salary only, not on personal or deputation allowance.—*Ibid, July 8th,* 1847 *and Ibid,* 934.

Officers accompanying Governor General to Simla.

3025. Uncovenanted Servants accompanying the Governor General in his tour to Simla are allowed one month's travelling allowance for the expense of porterage from Bar to Simla.—*Ibid, May 17th,* 1838 *and Ibid,* 935.

Assistants in the secretariat accompanying the Lieut-Governor in tour.

3026. Assistants in the Secretariat Department in attendance on the Lieutenant-Governor during his periodical tours, draw extra allowance when moving, the Assistant to the Secretary at the rate of Rs. 80 and the clerks Rs. 50 per mensem, and deputation allowance of one third the amount of salary.—*Ibid, July 30th, and Sept. 7th,* 1830, *March 18th,* 1835 *and Ibid* 936.

Sub-assistant Surgeons visiting outlying gang of prisoners.

3027. Sub-Assistant Surgeons are entitled to travelling allowance at the rate of 4 annas per mile, when visiting out-lying gangs of convicts. The number of visits is not to exceed four per month, and the charge to be included in the Jail Contingent Bill.—*Ibid, May 25th,* 1842 *and Ibid,* 937.

Subassistant Surgeons.

3028. Sub-Assistant Surgeons are considered as included in the term "Uncovenanted Servants generally," used in the orders of Government of India, dated 19th June 1846. The Orders of 11th, July 1846 regarding travelling allowance are applicable to them.—*Ibid, Oct. 9th,* 1848 *and C. P. M.* 938.

What gangs should be visited.

3029. It is not considered necessary to visit any working party consisting of less than 200 convicts, or stationed within 10 miles of the Jail; gangs of more than 200 prisoners located at a greater distance than ten miles to be visited by the Sub-Assistant Surgeon, once a month.—*C. O. Insp. of Prisons W. P. June 9th, and July, 6th,* 1853 *and Ibid* 939.

Officers of the establishment of the Inspector Gl. of prisons W. P.

3030. The Inspector General of Prisons N. W. P. to take the Officers of his Establishment with him when on his tours of inspection, and they are entitled to travelling allowance at 4 annas a mile for distance actually travelled, and deputation allowance at the rate of three-tenths of their salaries during halts.—*Govt. Order June 7th,* 1847 *and June 27th,* 1849 *W. P. and Ibid,* 940.

Tehseildars with powers of Deputy Magistrate.

3031. A Tehseeldar vested with the powers of Deputy Magistrate, not entitled to travelling allowance when moving within the limits of his fiscal jurisdiction, but he would be so entitled if called upon as Deputy Magistrate to make a local investigation beyond those limits.—*Ibid, Feby. 21st,* 1852 *and Ibid,* 941.

Officers attending examinations.

3032. Officers attending examinations entitled to travelling allowance at 4 annas per mile, and bills are to be passed by the Civil Pay Master on the countersignature of the Commissioner, upon check only of rates, and distances according to established rules.—*Ibid, June 17th,* 1854 *and Ibid,* 942.

Subassistant Surgeon on first appointment.

3033. Sub-Assistant Surgeons on their leaving Calcutta in order to join the stations to which they may be appointed, to draw travelling allowance at the rate of Rs. 60 a month, calculated upon the distance they are to travel at the rate of 15 miles per diem, not including Sundays.—*Order of Govt. of India July 14th,* 1854 *and Ibid,* 944.

Superintendents of Settlements in Punjaub.

3034. Superintendents of settlements vested with judicial powers in the Punjab, and their fixed Office Establishment are entitled to travelling allowance at the usual rate of three-tenths of their salaries.—*Ibid, June 27th,* 1854 *and Ibid,* 945.

Examination.

3035. With reference to para. 3032, Officers are also entitled to three-tenths of their salary during the time they may halt at the station to which they have proceeded on account of the examination.—*G. O. Oct. 2nd,* 1854 *W. P. and Ibid,* 946.

Officers in the Educational Department.

3036. The Rule (321) prescribing the rate of 4 annas per mile or three-tenths of salary, as travelling allowance to Uncovenanted servants, is applicable to all grades of Officers in the Educational Department. But Principals of Colleges and Superintendents of Schools to draw travelling allowance at the rate of 8 annas a mile whenever any such Officer is removed from one station to another by order of Government.—*Ibid, June 22nd,* 1855 and *Ibid,* 949 *and* 950.

Officers attached to the Office of Director of Public Instruction travelling with him by dák.

3037 Officers attached to the Office of Director of Public Instruction, whom he may find it necessary to take with him when he goes to a Tour of Inspection by dak, are to draw 4 annas a mile for distance actually travelled, and deputation allowance at the rate of three-tenths of their salaries on the days that they do not travel. As the cost of travelling varies considerably in different parts of the country, the Director is allowed to submit, in place of the invariable rate of 4 annas per mile a bill on account of the actual expenditure incurred by his Office in travelling, and is authorized to draw in advance the amount which may be necessary to defray such charges.—*Ibid, Nov 28th,* 1855 *and Ibid,* 952 *and* 953.

Tehseeldars appearing at the examination.

3038. Tehseeldars ordered to appear at the examination for nomination and promotion, to draw travelling allowance at the rate of 4 annas a mile, to and from the station of the divisional committee.—*Ibid, March 22nd,* 1856 *and Ibid,* 954.

Deputy Collectors ditto.

3039. On a claim preferred by Mr. Deputy Collector N. to travelling allowance at 8 annas per mile to attend the examination, it was ordered that the Civil Pay Master was correct in refusing to pass the same, as it was not intended by the orders of Government referred to, to modify the established rate of travelling allowance to Uncovenanted Officers.—*Ibid, July 12th,* 1856 *and Ibid,* 956.

Tehseeldars and Peshkars employed in the settlement Department

3040 Tehseeldars and Peshkars to draw a travelling allowance of Rs. 2 and annas 12 per diem, respectively, for the actual number of days they may be employed in field operations connected with a general settlement, or revision of settlement, provided that the settlement Officer certify that field work

was done, and superintended or tested for that period.—*Ibid. March 31st*, 1857 *and C. O. S. B. of R. W. P. April 8th*, 1857 *and Civil Pay Master's Manual W. P. para.* 957.

Clerks, &c. in Punjab and Oude

3041. The Clerks &c (or ministerial Officers) in the Punjab and Oudh, to draw travelling allowance at the rate of three-tenths of their salaries as heretofore.—*Order of Govt. of India March 11th, and 25th*, 1859 *and Ibid*, 961.

Travelling by Railway.

3042. Officers proceeding by Railway on the Public service are entitled, for such distance, to travelling allowance at 1½ anna per mile. This rule is extended to all the Presidencies.—*Ibid, August 26th, and Novr. 17th*, 1859 *and Ibid*, 963.

Inspectors of schools.

3043. Inspectors of schools should have head quarters assigned to them at the most convenient locality within their division. When absent from that post, travelling allowance to be drawn at the rate of 8 annas per mile for the distance travelled, with Rupees 4 a day for halts, on condition that no more than Rs. 50 shall be drawn for a continuous halt at one station.—*Ibid, April 16th*, 1860 *and Ibid*, 964.

3044. Travelling allowance not to be drawn permanently by an Officer under Government.—*Ibid, and Ibid*, 965.

Superintendent and Assistant Superintendents of Police.

3045. An allowance at the rate of 8 annas per mile to be granted to Superintendents and assistant Superintendents of Police for rapid travelling, *i. e.* for a greater distance than 20 miles in one day and Rs. 4 per day when halting on duty. The halting allowance ceases with the seventh day when the stay at one place, at any one time, exceeds seven days. No travelling allowance to be granted when an Officer shall not proceed to a greater distance than ten miles from his fixed station. Travelling on public duty any distance beyond 10 and within 20 miles in one day, to be accounted a short march, for which Officers will be allowed to draw 5 Rs. per day.—*Govt. Order March 4th*, 1861 *W. P. and Ibid*, 967-969.

Inspectors and other subordinate Officers of Police deputed on urgent service.

3046. Inspectors or other subordinate Officers of Police, when deputed on urgent services such as the pursuit of criminals, or the like, beyond the boundaries of the Districts in which they are employed, to be sent by the District Superintendents of Police, on the public service. But the actual charges on account of conveyance, together with a deputation allowance of Rs. 2 per diem for Europeans and 8 annas per diem for natives, to be passed in Contingent Bills under the countersignature of the Inspector General of Police.—*Govt. Res. March 15th*, 1861 *and Ibid*, 970 *and* 971.

Officers employed in the income Tax Department.

3047. All Officers who have received their appointments for the purpose of Income Tax only, are not held to be entitled to travelling allowance; and those only are so entitled to whose previous duties those of the Income Tax have been superadded, and only in instances in which they would draw the allowance, if employed on duties other than the Income Tax.—*C. O. S. B. of R. March 20th*, 1861 *W. P. and Ibid*, 972.

Deputy Inspectors of School

3048. Travelling allowance to be granted in future, in supercession of the existing rule, to Deputy Inspectors of schools when absent from Head Quarters on duty, either at the rate of 4 annas a mile travelled, or at one rupee per diem, but not both the allowances for the same day.—*Order of Govt. of India May 21st*, 1861 *and Ibid*, 973.

Uncovenanted Assistant Commissioners in Punjab and Oude.

3049. Assistant Commissioners of the Uncovenanted Service in the Punjab and in Oudh, to draw travelling allowance at 8 annas a mile when transferred from one station to another, except when such transfer is made on promotion or at their own request.—*Ibid, July 10th, and Aug. 23rd*, 1861 *and Ibid*, 975.

Above rule extended to all Assistant Commissioners.

3050. The rule contained in the preceding para. extended to all Assistant Commissioners in whatever Province they may be employed, but not to Extra Assistant Commissioners for whom separate provision has been made.—*Ibid, Oct.* 2, 1861 *and Ibid*, 976.

Tentage Allowance.

3051. Assistant Commissioners in the Punjab and Oudh (Uncovenanted) whether in the receipt of Rs. 400 or 700 a month, to draw tentage allowance at Rs. 5 per diem. Extra Assistant Commissioners in the Punjab and Oudh to draw Rs. 3 per diem, as allowed to the subordinate Executive Officers in the Bengal Presidency.—*Ibid, March 11th*, 1859 *and Ibid*, 977 *and* 978.

Bill for travelling or tentage allowance to be countersigned by Commissioner or other superior Officer.

3052. An Officer in Civil employ, who may, under existing Rules, be entitled to Travelling (Tentage) allowance while engaged on duty in the interior of his District, shall obtain the countersignature of the Commissioner of the Division, or of the Resident, Agent, or other Officer under whose superintendence the District to which the said Officer is attached may be placed, to his bill for such allowance previously to submitting it to the Civil Pay Master for audit.—*Ibid, Feby. 10th*, 1860 *and Ibid*, 979.

Table money.

3053 The following rates of Table Money are to be charged on board Government Sea-going Vessels employed under the Bengal Presidency, and on board the Vessel of the Irrawaddy Flotilla, in supercession of former orders, with effect from 1st April 1856. For Uncovenanted Civil Officers (not being of the rank of clerks) when ordered a free passage on duty, the sum of Rs 4 each per diem will be allowed by Government to the Commander of the Vessel or to the Officer of the Vessel by whom they may be messed; but the whole expense of messing the families of such Officers to be borne by the Officers themselves. Of the Rs. 4 allowed by Government, the following proportions to be recovered from the Officers through the Pay Department on account of Government. From Uncovenanted Officers (not being of the rank of clerks) in Civil employ, on salaries not exceeding Rs. 600 a month, Rs. 2 per diem. The whole of the Table Money charged for Uncovenanted Officers in Civil employ, on salaries exceeding Rs. 600 a month, will be recovered on account of Government. For persons messed at the Warrant Officers or Engineer's Table the following rates are allowed :—

	Rs.	As.	Pe.	
For Adults each	2	0	0	per diem.
„ Children above 7, but under 14 years old each	1	8	0	„
„ Children under 7 years old, each	1	8	0	„

No charge to be made for a child in arms.

The above charge for Warrant Officers of every grade, Overseers, European Non-Commissioned Officers attached to Departments or Public Offices, and for the families of any of these classes to be paid by the Government.—*Order of Govt. of India March* 14th, 1856 *and O. P. M. para.* 984-986.

SECTION IV.

OF PENSIONS TO PUBLIC SERVANTS.

To whom superannuation pensions are to be granted.

Applicant with exceptions must have been employed 20 years

He must be incapacitated for public employ by old age or mental and bodily infirmity

His character, conduct and past services must be favorably certified

Limit of the pension.

If the service be more than 20 and less than 30 years.

If it be more than 30 years.

Law Officers and Uncovenanted Judges.

3054. Rules relative to the grant of superannuation Pensions to subordinate Officers in the Civil Department, dated 4th January 1831.—

1st. Superannuation Pensions will be granted only to the superior classes of Public Servants indicated in the annexed list. Inferior servants, sowars, armed or organized peons including jemadars and other ranks, lascars, boatmen, artificers, labourers and menials, are to have no claim to such provisions. 2nd. With the exception of native Judges and Law Officers, the applicant must have been employed in the Public Service for a period of at least twenty years. 3rd. The Public Servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill health, loss of sight or other bodily or mental infirmity. 4th. The character, conduct, and past services of the Public Servant must be favourably certified by the Officer or Officers under whom he may have been employed, and must appear to be such as to entitle him to the favourable consideration of Government. 5th. Whenever it may be judged expedient to grant a pension to a Public Officer whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:—First. If the period, during which the individual may have been actually employed in the Public Service shall be more than twenty years, but less than thirty years, the amount of the pension shall not exceed one third of the monthly salary or authorized official allowances of such individual, calculated on an average of five years previously to the date of the application for such pension. Second. If the period of actual service shall have been thirty years or upwards the amount of the pension shall not exceed one-half of the salary or authorized allowances of the individual calculated in the manner above stated. Third. For Law Officers and Native Judges, the period of fifteen years shall be substituted for that specified in clause *first* and twenty two years for the terms mentioned in the *second*

clause. Fourth. The rates of pensions shall be fixed on a graduated scale within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of the service. 6th. A pension will hereafter be granted by Government to the family, or any member of the family of a deceased Public Servant, only when such servant shall have been killed in the execution of his Public duty, or shall have died in a consequence of wounds or accidents sustained therein. 7th Should cases arise, which are not sufficiently provided for in these rules, or in which from special circumstances, Government may be pleased to deviate from them in favor of a claimant to a pension, such pension shall be considered only as temporary and provisional, until the grant shall have received the sanction of the Secretary of State. 8th. Whenever an application may be made to Government with a view of obtaining the grant of a pension, in favor of any Officer employed in the Public Service, the application shall contain full and specific information on the following points. First. The name, class, or caste, age and proposed place of residence of the individual, for whom the pension may be solicited, the situation in which he may be employed at the time when the application may be made, the total period during which the individual may have been employed in the Public Service, and the various official situations, in which he may from time to time have been so employed. Second. The monthly amount of the salary or the official allowances of the individual in question on an average of five years previous to the date of application. Third. The causes by which the individual may have been rendered incapable of discharging any longer the duties of his office, whether by extreme old age, protracted illness, loss of sight or other bodily or mental infirmity. Fourth. His general character, conduct and passed services in the official situations which he may have held. 9th If the Officer making the application shall be unable from his personal or official knowledge to supply the whole of the specific information above required, he shall call upon the individual in whose favour the application may be made, to furnish a written statement to be verified by his oath or solemn declaration (if required) on such of the points above noticed as may be necessary.* 10th. If the individual shall be rendered in capable of further service by protracted illness, loss of sight, or other bodily or mental infirmity, a Medical Certificate to that effect shall be also transmitted with the application. 11th. Each application for a pension under the foregoing rules shall be made by the head of the office under whom the individual recommended to be pensioned may be employed in a letter addressed to Government, and accompanied by a register on a separate sheet of paper in the form annexed.

Rates of pensions to be on a graduated scale.

Pensons to the family of a deceased public servant

In cases of deviation from these rules the pension will be temporary till sanctioned by the Secretary of State.

What particulars the application for pension will contain.

Cases in which the applicant must give a written statement and verify it on oath.

Cases in which a medical certificate must be transmitted.

Through whom the application for pension is to be made.

* An application for pension shall be required to state clearly the situations he has filled and the periods during which he filled them. The Civil Pay Master will be required to report whether his office records bear out applicant's statement. If there be any discrepancy in the statement, the Civil Pay Master shall detail the apparent cause of that discrepancy, for instance, that the post applicant states he filled during a certain period, is shown by the Civil Pay Master's Registers to have been filled by another man. If the Civil Pay Master's Records cannot afford the desired information reference should be made to the records of the Head of the Office in which applicant states he served during the period in doubt. Or the applicant shall be required to furnish certificates, such as those given by an officer to a subordinate on his leaving an office, which certificates may, in default of other evidence, be accepted as proof of the service to which they refer, provided, of course, the certificates bear interval evidence of being genuine. But if the records of the office in which applicant states that he served during the period in doubt, do not afford the desired information, if or the applicant cannot produce certificates, such as those given by an officer to a subordinate on his leaving the office, every such case shall be decided on its own merits, those cases only being treated specially in which an *affidavit* would be required and accepted *quantum valeat.*—*Order of Govt. of India No.* 8749 *of* 1862 *G. O. W. P. No.* 2099 *A, Nov.,* 27*th,* 1862.

Register of an application for a superannuation Pension from the establishment of preferred under the rules prescribed by the Government under dated the 4th July 1831.

	Name of the person by whom pension is applied for with the name of his father			1
	No On the Establishment			2
	Identification of applicant's person			3
	Feet Inches	Size		4
	Years Months Days	Age of applicant at the time of application.		5
	Religion, Casts, Tribe			6
	Zillah Purgunnah Village	Where residing		7
	Present employment			8
	Office Years Months Days Rupees Annas Pies	Period of Service Salary of Office	Summary of Service.	9
	Applicants service continuous or not			10
	How long unemployed and under what circumstances			11
	Date of application to Government			12
	Rupees Annas Pies.	Average salary or authorized official allowances per month for the last five years preceding the date of application		13
	Rupees Annas Pies	Salary or authorized official allowances per mensem at the time of application		14
	Abstract of the grounds of application			15
	Rupees Annas Pies	Proposed amount of pension per mensem		16
	Treasury at which the party if pensioned wishes to draw.			17
A pension of Rs per mensem is granted to the applicant by the order of the Lieutenant-Governor Secy W P	Orders of Government			18

PENSION REGISTER.

Detail of Aplicant's Service.

Period.									Appointment.	Salary.		
From.			To			Total.						
Date.	Month	Year.	Date.	Month.	Year.	Years.	Months.	Days.		Rs.	As.	P.
								Grand Total.....				

REMARKS.

By Head of Office.	By Civil Surgeon.	By Medical Committee.

12th. Lapses of pensions shall be communicated to the Civil Pay Master as soon as possible after the occurrence, and it shall be the duty of the several Officers in charge of Treasuries from which pensions are paid, to appoint a proper person of their establishment to report all lapses to them, and along with themselves be responsible to Government for the fulfilment of this rule. 13th No pension shall be payable in arrear for a period exceeding six months without the express sanction of Government, obtained through the Civil Auditor, unless the cause of the suspension of payment shall have been the neglect, order or act of some Public Officer, and beyond the control of the pensioner: when the Civil Auditor, on a reference being made to him, shall exercise his discretion in passing arrears for payment or submit a representation of the case for the information and orders of Government as he shall consider proper. 14th. It shall be the duty of the Civil Auditor to exercise a vigilant control over this class of pensions as over all others, and with that view to bring to the notice of Government all instances, in which in the granting of superannuation pensions, any of these rules may be departed from, unless he shall be distinctly informed that a special exception has been made in the individual instance. 15th. It shall further be the duty of the Civil Auditor to lay before Government at the end of each official year, a statement exhibiting a comparison between the amount of pensions that have lapsed, and the amount of pensions granted during the year; and as a check against the fraudulent continuance of pensions beyond the actual term of the pensioners' lives, that Officer shall from time to time compare the periodical decrement of life among the pensioners of each year, with the usual duration of life, and where lapses do not occur, in the proportion, that might be anticipated, it shall be his business to institute such enquiries as may appear necessary to ascertain whether and in what particular instances fraud has actually been committed, and to submit to Government the result of his investigation.

Lapses of pensions how to be ascertained and reported.

Cases in which an arrear of pension for more than six months may be payable.

Vigilant control to be exercised by the Civil Pay Master in all pension cases.

Statement to be submitted annually by the Civil Pay Master of Pensions.

Applicants for pensions must verify their statements by affidavit.

3055. His Excellency the Most Noble the Governor General in Council has been pleased to determine as a general rule, that persons making applications for pensions under the resolution past by Government in this department, under date 1st October last, shall verify the facts stated in their memorials by affidavits before a Magistrate.—*C. O. 21st April*, 1820.

List of persons who may claim superannuation pension.

3056 List of the several classes of subordinate Officers in the Civil Department who under the foregoing rules are considered to have eventual claims to superannuation pensions from Government. Registers, Head Clerks and Accountants, Indexers, Examiners, Readers, Librarians, Record-keepers, Translators, Interpreters, English and Native Writers, Moonshees, Juwal Nuvees, English and Native Accountants, Mohurrirs, Mootusuddees, Gomashtahs, Karkoons if drawing more than ten rupees, Head Treasurers; Head Native Revenue Officers, Seristahdars, Dewans, Head Native District Revenue Officers, Tehseeldars, Amildars, Paishkars, Ameens, Heads of Districts, Law Officers, Moalovees, Cazees, Pundits, Mooftees, Native Judges, Sudder Ameens, Moonsiffs, head Executive Officers of the Courts, Nazirs. Ameens appointed under Act XII. of 1856. Principals and Teachers of Colleges and Schools, Inspectors of Schools, Potedars. *Rules dated January 4th*, 1831.—*Court. of Directors No.* 23, *July 20th* 1858 *and Secy. of State. Dec.* 9, 1861.

Applications for pension to be submitted through Civil Pay Master

3057. I am desired to request that you will, in future, instead of forwarding application for pensions submitted through your office direct to Government, send them under flying seal to the Civil Auditor who will submit a Memorandum with each application for the information of Government.—*C. O. Govt. W. P. No.* 3, *April 29th*, 1856.

To state whether applicant's service has been continuous or not.

3058. All Officers, Civil as well as Military, shall, in submitting applications for pensions on behalf of Uncovenanted servants, state, after inspection of their Establishment rolls whether the service of each of the applicants was continuous or not and if not for how long he was unemployed and under what circumstances.—*Order of Govt. of India No.* 1701, *April* 25, 1855.

Above rule does not apply to cases in which the applicant was temporarily thrown out of employment by the abolition of his office.

3059. The orders requiring as a qualification for retiring pension that the service of uncovenanted servants should be continuously passed, are not intended to apply to cases in which a public servant might be temporarily thrown out of employment by the abolition of his office, and might thus be prevented from rendering a continuous service for the period necessary to qualify for pension.—*Des. Court of Directors No.* 57, *June 20th*, 1855.—*Govt. Order W. P. No.* 2774 *Sept. 18th*, 1855; *C.O. No.* 1678, *Oct.* 1, 1855, *W. P.*

Rule for computation of past services.

3060. When a man is thrownout of employ, in consequence of the abolition of his Office, he should not thereby he prejudiced as regards the computation of his past service for pension in the event of his being subsequently employed by the Government, notwithstanding that more than one year may have elapsed between the dates of his discharge and of his re-employment.—*C. O. No.* 124, *Nov.* 10, 1858, *L. P. and Des. Court of Directors No.* 51, *July* 7, 1858.

No fraction under a quarter rupee to be taken into calculation.

3061. The Government having, in a resolution dated 30th September 1854, determined that in sanctioning superannuation pensions no fraction under a quarter that is other than even quarters of a Rupee shall be allowed, according to which principle annas and pies above 12,8, and 4 annas respectively will be struck out, the Court hereby desire that all Registers of pensions submitted for the sanction of Government through this Office may be prepared in accordance with the above rule.—*C. O. No.* 2176 *2nd November*, 1854 *W. P.*

Production of a medical certificate subsequent to retirement does not give a claim to pension except in certain cases.

3062. Pensions are to be granted on and not *after* retirement. The Medical Certificate of unfitness for further service should be submitted *at the time* of retirement. This rule is not to be strictly observed in cases in which an uncovenanted servant is discharged from the public service, in consequence of the abolition or the reduction of his office, and who produces a certificate after the lapse of some reasonable time. In all such cases of deviation from the established rule, a reference should be made by the Local Governments to the Government of India for orders.—*Order of Govt. of India. Dec.* 17*th*, 1861.

The exceptional cases to be reported to the Government of India.

Medical certificate accompanying applications for pension to state that applicant's incapacity

3063. The Medical Certificate of unfitness, which is submitted by an applicant for superannuation pension should state that his incapacity for further service is not the result of his own imprudence or intemperance. The nature of the complaint, and whether or not it has been induced by irregular or intemperate habits are points on which it is especially necessary to afford information. Pensions will in no case be

granted to applicants whose incapacity for further service is the result of their own intemperance.—*Order of Govt. of India No.* 67, *April* 21, 1862 *Des. Court of Directors No.* 31, *Dec.* 18*th*, 1849.

for further service is not the result of his own intemperance.

3064. I am directed to forward, the accompanying copy of an extract paragragh 9, from a despatch of the Hon'ble the Court of Directors relative to pensions to be granted to Uncovenanted Servants after a period of 35 years of good service, No. 18 of 1854, dated the 5th of May.

Pensions can be granted to uncovenanted servants after 35 years of approved service without the production of a Medical certificate of unfitness.

Para. 9. We have adverted to the remark contained in para. 15 of your letter under reply in which you observe that many reasons might be given for recommending to us the grant of the boon of pensions to Uncovenanted Servants, after a certain period of approved service. We have already expressed our disposition to extend to that Class all the indulgence that can be consistently granted to them, and upon a full consideration of the subject, we are prepared so far to concur in the suggestion made, as to authorize you to grant to any Uncovenanted Servant belonging to a Class recognized by the present rules, who though not possessed of a Medical Certificate of incapacity, may be permitted to retire from the service, and who can produce unquestionable testimonials of a faithful and efficient discharge of his duties during a period of 35 years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service, they will not in any case be claimable as of right, and every pension which you may see sufficient reason to grant must be reported to us with a statement of the grounds of your proceeding.—*C. O. No.* 53, *L. P. Oct.* 13*th*, *W. P. Novr.* 22*nd*, 1854.

Period of commencement of pensions.

3065. The Order of Government of India No. 4500, August 13th, 1858 rules that when an Officer had, on application for pension, been declared by the Medical Authorities to be unfit for further service, that Officer should at once be discharged and that, if a pension was subsequently granted to him, it would count from the several dates mentioned in Government Resolution Feby. 21st, 1856 of which those quoted in the margin apply to the pensions granted by the Local Governments. Agreeably to this rule the salary of pensioned Officer should be passed up the date of the Medical Certificate. But in as much as the nature of the Medical Officer's Certificate cannot be foreseen, the heads of departments are prevented from making arrangements for filing up the contemplated vacancy until it is known, whether the Applicant for pension has been declared by the Medical Officer fit or unfit for further active service and it is found frequently necessary to keep him on in the performance of the duties of his Office, until provision can be made for filling up the situation. Under such circumstances the salaries of pensioned Officers can be passed up to the date of their *ceasing to be borne* on the effective Establishment ; but it should be understood that it is the duty of the head of an Office, as a rule to give a man his discharge when his Certificate of incapacity for further effective service is rendered, exceptional cases being reported to the Local Government.—*Order of Govt. of India March* 28*th*, 1861.

In case of pensions sanctioned by the Government of India or the Local Governments, in which the parties applying for pension are still in the employment of Government, it has been usual for the pensions to commence from the date in which the pensioners may cease to be borne on the fixed establishment, and if the parties are not in the employment of Government at the time of applying for pension, then the pensions shall commence from the date of the orders sanctioning the pension.

Scale of gratuities to public servants.

3066. In the Resolution No. 6933 passed in this department on the 31st July 1860, the Local Governments were empowered to grant gratuities to Public Servants in proportion to the length of their service, on the scale specified in the margin,* but it was not distinctly stated what gratuities should be awarded in cases where the party concerned had served for exactly ten, fifteen, or twenty years.

As more than once doubts have occured on this point, His excellency the Governor General in Council is pleased to direct the substitution of the following scale for the sale of gratuities prescribed in the orders of the 31st July 1860.

Three months pay for an Officer who has served five years or any longer period less than ten years.

Four months pay for an Officer who has served ten years or any longer period less than fifteen years.

Five months pay for an Officer who has served fifteen years or any longer period less than twenty years.

Six months pay for an Officer who has served twenty years or more.—*Govt. Order No.* 1344*A*, *July* 9*th*, 1862 *W. P.*

* 3 months pay for more than 5 and less than 10 years service
months pay for more than 10 and less than 15 years
5 months pay for morethan 15 and less than 20 years and 6 months pay for more than 20 years.

Rule for the grant of gratuities by monthly in statements for six months after an Uncovenanted Servants thrown out of employ and for reckoning the previous service for pension.

3067. Agreeably to Financial Despatch from the late Court of Directors, No. 38 of 1856, para. 31, Government Resolution, No. 1015 of the 26th February 1858, published in Financial Notification No. 118 of the 10th July 1862, and Ditto, dated the 29th March 1862, when an Uncovenanted Servant is discharged in consequence of the abolition of his Office, he is not allowed a gratuity until he has been six months out of Government employ, and then he receives it on the condition that the period of service for which the gratuity is granted is not again to be reckoned as service qualifyingfor pension in the event of his being re-employed. But it has been represented that the former of these Rules is likely in some cases to operate with unusual hardship. It is therefore directed that, for the future, when an Uncovenanted Servant is thrown out of employ by the abolition of his appointment, his claim to gratuity shall at once be considered and decided on; but instead of receiving in one sum the whole gratuity which may be sanctioned, he shall continue after his discharge to draw his salary from month to month until the amount of the gratuity be exhausted. If he should, in the meantime, be re-admitted to the Government Service he may be permitted either to draw the un-exhausted balance of the gratuity on the understanding that his previous service will not be allowed to count towards pension, or to refund by convenient instalments the amount already paid to him, and thus to recover the privilege of reckoning his Service.— *Order of Govt. of India No.* 10, *G. Sept.* 15*th*, 1862.

3067¼. Uncovenanted Servants who are thrown out of employ by the reduction or abolition of Establishment, after having served continuously for 20 years or more, may be admitted to pension without being required to produce the usual Medical Certificate of incapacity.— *Order of Govt. of India No.* 129, *Nov.* 10, 1862, *Des. Secy of State No.* 160, *Sept.* 24, 1862.

SECTION V.

OF PUBLIC ACCOUNTANTS.

Public Accountant to give security.

3068. Every public Accountant shall give security for the due discharge of the trusts of his Office, and for the due account of all moneys which shall come into his possession or control, by reason of his Office.—*Act XII.* 1850, *sec.* 1.

Amount of security how regulated

3069. In default of any Act having special reference to the Office of any public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the Office) as shall be required by any rules made or to be made from time to time, by the authority by which each public Accountant is appointed to his Office, subject to the approval of the Governor or Governors in Council of the Presidency or place.—*Act XII.* 1850, *sec.* 2.

Who is a public Accountant.

3070. Every person is a public Accountant within the meaning of this Act. who, by reason of any Office held by him in the Service of Government, is entrusted with the receipt, custody, or control, of any moneys or securities for money, or the management of any lands belonging to the Government; or, as official assignee or trustee, or as surbarakar, or in any other official capacity, with the receipt, custody or control, of any moneys or securities for money, or the management of any lands belonging to any other person or persons.—*Act XII.* 1850, *sec.* 3.

He may be proceeded against for loss or defalcation as for arrear or land revenue

3071. The person or persons at the head of the Office to which any public Accountant belongs may proceed against any such public Accountant and his sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.—*Act XII.* 1850, *sec.* 4.

3072. All Regulations and Acts now or hereafter to be inforce for the recovery of arrear of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public Accountants.—*Act XII.* 1850, *sec.* 5.

And rules regarding one apply to the other.

3073. All the sales of estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any public Accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such estates had been sold under authority of this Act and no further or otherwise.—*Act* XII. 1850, *sec.* 6.

Validity of previous sales.

SECTION VI.

OF CHARGES OF CURRUPTION, ETC.

3074 Whenever any native Officer, attached to a Civil or Criminal Court, is charged with having embezzled any money or other property paid into, or deposited in, the Court to which he is attached ; or received by him in his official capacity in execution of a decree, or on account of a deposit, or on any other account whatever ; or whenever the Judge or Judges of a Civil or Criminal Court have reason to suspect any such embezzlement on the part of a native Officer attached to the Court ; they are immediately to institute a summary enquiry to ascertain the truth of such charge or suspicion ; and are, at the same time, to require the native Officer accused, or suspected, to give sufficient security for his attendance during the inquiry. In the event of such security not being given, and of its appearing necessary to keep the Officer in custody pending the enquiry, it is competent to the Judge or Judges to order the same, and to keep the party in the custody of peons, or to confine him in the Civil Jail, until he gives the required security, or his detention appears no longer necessary.—*Reg. XVIII.* 1817, *sec.* 7, *cl.* 2.

Summary enquiry to be instituted if a native ministerial Officer is accused or suspected of embezzlement of money entrusted to him in his official capacity.

3075. When the summary inquiry has been completed, if it is established thereby that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he is to be required to pay the same into Court within such time as is limited for that purpose ; and, on his failure to comply with such requisition, it is recoverable from him, as well as from his surety, if he has given security on account of the Office held by him, by the usual process of recovery in execution of judgements of the Civil Courts.—*Ibid, cl.* 3.

Rules for the recovery of money so embezzled.

3076. Any sum of money actually due to a public servant, on account of salary, is liable to attachment in the same manner as other property ; the Officer attaching such money is at liberty to call on the disbursing Officer to assist him in effecting the attachment ; and such disbursing Officer is required to give his assistance.—*Const. No.* 827.

Salary of Officer may be attached.

3077. Whenever it is established by the above process that any native Officer attached to a Civil or Criminal Court has embezzled any money or other property, duly paid into or deposited in the Court to which he is attached ; or regularly received by him in his official capacity in execution of a decree, or on account of a deposit, or on any other account whatever ; it is the duty of the European controlling authority to refund to the party or parties, whose property has been so embezzled the amount or value of the embezzlement from the public treasury, in the first instance, without referrence to the solvency or otherwise of the defaulter or his security, the Government reserving to itself the right of adopting such measures for the recovery of the money so refunded, as is deemed expedient with reference to the nature and circumstances of each case.—*Reg. III.* 1827, *sec.* 6.

But the money or property so embezzled is to be refunded to the party who deposited it, whether it be recovered from the embezzling Officer or not

A conviction of embezzlement in the legal acceptation of the term is necessary to recovery under these Rules.

3078. A ministerial Officer was convicted of having surreptitiously obtained and corruptly appropriated to his own use money deposited in Court. Government applied to the Court to realize under the above provisions the amount so mis-appropriated. But the application was rejected on the ground that the party from whom recovery was sought had not been convicted of embezzlement in the legal acceptation of that term, and that therefore the amount could not be summarily recovered from him under the provisions cited: the remedy for the Government was a regular suit.—*Carrau's Reports page* 66.

Responsibility when goods are stolen from the Magistrate's Malkhana

3079. The Government cannot be held responsible, under the above rule, to make good to the owners the loss of property stolen from the *malkhanna* of a Magistrate's Office; but in cases where neglect or want of care for the prevention of such loss, or the due preservation of the property from such accidents, is proved, the Officers in whose custody the goods lost or stolen were placed are to be called upon to make good the value of them.—*C. O Sup Pol. L. P. No.* 24, *Nov.* 23, 1840.

3080. The summary decree prescribed above, adjudging the exact sum recoverable, must be passed before the Judge can proceed to realize the amount embezzled by a native Officer.—*Const. No.* 334.

Similar mode of proceeding, when a native Officer withholds any public accounts.

3081. A similar mode of proceeding is to be observed, when a native Officer, attached to any Civil or Criminal Court of Judicature, withholds any public accounts which it is his duty to prepare and furnish; and the summary judgement in such cases is not only to order the immediate delivery of the accounts withheld, but is also to impose such fine to Government as appears just and proper on consideration of all the circumstances of case, and the situation of the party.—*Reg. XVIII.* 1817 *sec.* 7 *cl.* 4.

Punishment for altering or changing Official Papers.

3082. Any person altering or changing any papers in a Government Office is liable to the punishment of forgery; and it is no excuse to say that the papers were altered or changed by order of the superior amlah, or the European Officer presiding —*C. O. No.* 57 *of vol. I, Nov.. 4th* 1809.

The above Rule do not authorise a Judge to commit an Officer of his Court for such offence.

3083. Though a summary enquiry into cases of embezzlement of the ministeral Officers of the Judges Court may be conducted by him under the above rules, he can not commit for that offence, this duty being left to the Magistrate, to whom the Judge should submit his proceedings if grounds appear for subjecting the accused to a criminal trial; and the Magistrate is in such case to use his discretion in committing or releasing the accused, on a fair consideration of the evidence adduced.—*Con. No.* 691.

Security may be demanded from the person bringing charge against an Officer.

3084. Security is not to be demanded, in the first instance for the prosecution of any charge against a ministerial Officer. But in the event of its appearing necessary at any time in the course of the enquiry, sufficient hazirzaminee security is to be required from the accuser to attend and prosecute the charge to a conclusion.—*Reg. X.* 1806, *sec.* 10.

The above Rules do not preclude a criminal prosecution for corruption, extortion or embezzlement.

3085. In explanation of the above provisions for a civil action, it is declared that those provisions, the principal object of which is to enable individuals, who are aggrieved by any of the native Officers in question, to obtain redress by an action in the Civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which appear to call for exemplary punishment.—*Reg. XVIII.* 1817, *sec.* 6 *cl.* 1.

Any Law Officer or Ministerial Officer may be prosecuted criminally whether the civil action ever has been brought or not and whatever is its result.

3086. Whenever there appear to be sufficient grounds for a criminal prosecution against any Law Officer, or Ministeral native Officer, on a charge of corruption, extortion, or embezzlement, whether the civil action provided for above has been brought or not, and whatever, if brought, has been its result, he is liable to a criminal prosecution before the Magistrate, and Sessions Court, as provided for in other cases of misdemeanor by the regulations; and, on conviction before the Session Court or Nizamut Adawlut, he is to be subject to the punishment prescribed by law.—*Ibid, cl.* 2 *and Reg. III.* 1827 *sec.* 4.

3087. In such cases the prosecution should be public, and conducted by the vakeel of Government. —*C. O. No.* 67 *of vol I, March* 18*th*, 1810 *and Con.* 58.

3088. Under the above provisions, a Magistrate is competent to entertain and investigate a charge of corruption preferred against an Officer on the establishment of the Commissioner of Revenue and Circuit.—*Const. No.* 649.

3089. A special report of the convictions and sentences which take place under the above rule is to be submitted to Government for the purpose of determining whether the guilty persons shall be declared incapable of again serving Government in any public capacity.—*Reg. XVIII.* 1817, *sec.* 6 *cl.* 3.

Special Report of such cases to be sent to Government.

3090. A provincial Court, having commenced an injury into the conduct of a native Officer, were informed, that they should complete it; and, if they considered the case to call for exemplary punishment direct the Government pleader to institute a criminal prosecution against the defendant before the Magistrate; but that, in the event of their not deeming it necessary to adopt this measure, it would of course be optional with the prosecutor to do so himself, or to seek redress by instituting a suit against the defendant in the Civil Court.—*Const. No.* 737.

Cases requiring exemplary punishment should be prosecuted criminally.

If the Court deems this unnecessary the complainant may prosecute.

3091. It is not necessary for any party, from whom money or property has been corruptly taken or extorted, to institute a Civil Action for the recovery thereof; but, on proof of the charge in a criminal prosecution for those Offences, a certified copy of the conviction by a Sessions Court, or the Nizamut Adawlut, is to be received as sufficient authority for enforcing the refund of the amount or value so taken with interest, on application to that effect being preferred by the aggressed party to the Civil Court on stamp paper required for miscellaneous petitions.—*Reg.* III. 1827, *sec* 5.

The Civil Court may enforce the refund of money corruptly taken without Civil action, on production of certified copy of conviction in criminal Court.

3092. Khazanchies, Tehseeldars, and other native Officers, entrusted with the Public money, are strictly prohibited from making use of such money for their own advantage, or that of any other individual.—*Reg. II.* 1813, *sec.* 2.

Native Officers are not to make use of public money entrusted to them.

3093. Any person infringing the rule contained in the foregoing section is to be deemed guilty of a misdemeanor, and is to be punished, on conviction thereof before a competent Court agreeably to law.—*Reg. II.* 1813, *sec.* 3.

Punishment to which persons infringing this rule are liable.

3094. A special report is to be submitted to Government respecting all convictions and sentences, which take place under the provisions of this Regulation, in order that Government may have an opportunity of considering, whether the guilty persons should not also be declared incapable of again serving Government in any Public capacity.—*Reg. II.* 1813, *sec.* 4.

Such cases to be reported to Government.

3095. The above provisions are still applicable to native Officers employed in the commercial department entrusted with Public money, and are not affected by the provisions of Reg. IX. 1829.—*Const. No.* 903.

These rules are applicable to native Officers in the commercial Depart-

SECTION VII.

OF THE CUTCHERRY AND OFFICIAL PROCEEDINGS.

3096. An Officer delivering over charge of his Office is to state in his letter to the Nizamut Adawlut the authority for so doing, the date of the order under which he acts, and the nature of the power vested in the relieving Officer.—*C. O. No.* 157 *of vol.* 2, *L. P. Dec.* 5, 1834 *W. P. Nov.* 7, 1834, *and Jany.* 23, 1835.

CUTCHERRY. Letter to Nizamut Adawlut on delivering charge of Office.

3097 Magistrates making over charge of Office are to report to the Sudder Court through the Judge.—*C. O. No.* 1, *January* 3*rd*, 1859.

A list of unanswered letters to be furnished to successor.

3098. An Officer delivering over charge is to furnish the Officer who relieves him with a list of all unanswered letters, and of all periodical reports and statements, which having become due have not been forwarded. Periodical reports and statements are considered as due immediately on the expiration of the period to which they relate.—*C. O. No.* 179 *of vol.* 2, *Sept.* 25*th*, 1835 *W. P.*

And minute to be recorded by the vacating Officer of his opinions of subordinate Officers.

3099. Session Judges and Magistrates are invariably, prior to delivering over charge of their Offices on quitting a District, to record a minute to be made over to their successor, containing their sentiments and opinions on the administration of those subordinate to them up to the period of their quitting the Office of control, as well as any other observations, or results of experience, which they deem necessary or useful.—*C. O. No.* 103 *of vol.* 3, *W. P. January* 25*th and L. P. May* 6*th*, 1842.

Rules for preservation of books in Offices.

Librarian.

3100. With a view to ensure the better preservation of the books belonging to the public Offices, which are the property of Government, the Court issued the following rules; 1st. The Head Clerk of the English Office is to be appointed librarian. He is to be primarily responsible for the custody and preservation of the books composing the Office library; but this is not to relieve the Judge or Magistrate, or other presiding authority, from the general responsibility devolving on him as head of the Office. 2nd. Correct catalogues are to be kept up of the books in the library, showing the date of the receipt of each book. They are to be of English paper, and strongly bound for permanent record. 3rd. Each book should have a number labelled upon it, corresponding to a number in the catalogue; and should also be marked on several leaves with the Office stamp. 4th. Whenever a book is required out of the library by any Officer, other than the Judge or Magistrate, competent to require the same, the librarian is to send a receipt on a slip of paper, which the recipient will sign and return on getting the book: such receipts to be destroyed on the book being returned to the Office.—*C. O. S. D. A. No.* 71, *July* 26*th*, 1855 *L. P. and C. O. No.* 1183, *July* 3*rd*, 1855, *W. P.*

Catalogues.

Books to be numbered and stamped.

Receipt for books taken out of library.

Certificate of Books of Regulations, &c. to be given by Officer taking charge.

3101. All Officers in Civil emyloy on delivering over or receiving charge of an Office, are to certify that the copies of Regulations, Acts, Gazettes, books of constructions, printed circulars, and other works furnished by Government for the use of the Office, are in good order and complete. A detailed catalogue must to be given and a receipt taken, and the observance of this rule distinctly notified in the report of the Officer receiving charge, who will be held responsible according to the receipt granted by him.—*Govt. Order, W. P. November.* 25*th*, 1841.

Responsibility of Officers.

3102. An Officer, who holds the Offices of Collector and Magistrate, will not be exonerated from the responsibility, which attaches to the latter Office, by urging in extenuation of mal-administration that the criminal duties were entrusted to the Joint Magistrate.—*C. O. No.* 103 *of vol.* 3, *W. P. January* 25*th*, *L. P. May* 6*th*, 1842.

Holidays.

3103. Magistrates and other Judicial Officers are to be careful that no more holidays are allowed than those prescribed by the Court's Orders.—*C. O. No.* 50 *of vol.* 2, *Feby.* 26*th*, 1830.

Law repealed.

3104. Section 2 and 3 of Regulation III. 1798, section 13 of Regulation VIII. 1805 and Section 10 of Regulation I. 1806 of the Bengal code are hereby repealed.—Act L. 1860 sec. 1.

Sudder Court to prepare list of holidays subject to orders of Government.

3105. Subject to such orders as may from time to time be issued by the Governor General of India in Council or the Local Government the Courts of Sudder Dewany in the Presidency aforesaid shall prepare a list of days to be observed in each year as close holidays in such Courts and in the Courts respectively subordinate to them, and such list shall be ordinarily published at the commencement of each year in the Official Gazette of the Presidency or place in which each Sudder Courts are held.—*Ibid, sec.* 2.

How far Magistrates may transact business on sundays.

3106. Although there is no law forbidding a Magistrate to work on Sundays, and it may be at times necessary for the peace of the District that he should do so; it can scarcely be requisite to dispose on sundays of cases in his judicial capacity. An order passed on sunday is not invalid simply on that account; but the Magistrate should refrain from opening his Court on sundays except for Police purposes and the prevention of crimes and offences which called for immediate intervention of authority.—*Letter of Nizamut Adawlut to Judge of Jessore, No.* 122, *January* 27, 1853.

Sessions Court during the vacations.

3107. The trial of such cases as have been committed and are ready for trial previous to the commencement of the vacation should be completed, although the vacation supervines in the course of it.

And the Court of the Session Judge is never to be closed, during the Dasshara and Mohurrum vacations for the despatch of criminal business, except on those days only when a total cessation from all business is necessary and usual.—*C. O. No.* 141 *of pol.* 2, *Nov.* 22, 1833 *and No.* 8, *of vol.* 3, *March* 2, 1838, *W. P. and* 23, *Idem L. P.*

3108. Applications for leave of absence in the Lower Provinces are to be addressed by the Sessions Judge direct to the Judicial Secretary to Government.—*C. O. No.* 134, *of vol.* 3, *April* 27, 1843, *L. P.*

Leave of absence L. P.

3109. In the Western Provinces, such applications are to be submitted through the Sudder Court and are always to be accompanied by a statement of the number of cases remaining undecided at their date on the several Civil and Criminal files of the Judge's Office. In cases of illness or emergency a copy of the application made to the Court may be forwarded direct to the Secretary to the Government.—*Government Order W. P. No.* 4109, *November* 5, 1853.

Applications in W P to be sent through Sudder Court.

3110. No persons, except the guards on duty, are to be allowed to wear arms within the Cutcherry. —*C. O. No.* 172 *of vol.* 2, *July* 10, 1835 *L. P. June* 12 *and August* 27*th*, 1835 *W. P.*

3111. The Civil Officer at the head of each Cutcherry is to make some one person of the establishment answerable for the glass in each room, that person being liable to pay for any panes that may be broken, unless he informed his superior at the time, and either proved the fracture to have been unavoidable or produced the person who broke them. The mode of dealing with persons breaking panes is left to the sense and discretion of the Officer at the head of the Department. Glass is not to be used in the windows and doors of Civil Buildings nearer the floor than 3½ or 4 feet—*C. O. S. D. A No.* 35, *May* 31, 1839; *C. O No.* 46 *of vol.* 3, *May* 1, 1840 *L. P.*

Care of glass windows in Cutcherry.

3112. The letters despatched from each office are to be numbered in one continued series from the commencement to the close of the year. All Officers in their correspondence, as well with each other, as with their respective Governments are to write separate letters on separate subjects, and to annex to each letter a short abstract of its contents. Those letters which contain the most useful information and pertinent suggestions or instructions within the shortest compass are the most valuable and will be held by the superior authorities in the highest estimation.—*C. O. No.* 184 *of vol.* 2, *Nov.* 27, 1835 *and No.* 72 *of vol.* 3, *Nov.* 13, 1840; *C O. S. D. A. L. P. No.* 20, *July* 2, 1830.

CORRESPONDENCE. Letters are to be numbered in a continued series to be concise and distinct on separate subject.

3113 The following rules are required to be observed in all Government Offices. I. No letter of any kind is ever to accompany a monthly bill for payment of salaries or any Contingent Bill which is neither unusual nor extraordinary, nor likely to be disputed, or any bill regarding which only such short explanation is necessary as can be submitted in a few words at the foot of the bill, or in a side column. II. In cases where grants are made, or charges sanctioned by Government through its Secretary, the disbursing Officer is not to send copies of the order of Government, sanctioning the charge either to the Civil Auditor, when he submits the bill for audit, or to the Sub-treasurer when the bill is presented for payment, or to the Accountant, when he forwards his inefficient balance. A copy of the order sanctioning the charge is sent to the Civil Auditor and to the Accountant, and, when payment is made at the General Treasury, to the Sub-treasurer, from the Secretary's Office direct. It is therefore sufficient to quote in the bill the number and date of the Government Order. This rule only applies to charges sanctioned by Government. III. In all cases of leave either solicited by a Deputy Collector or Assistant in the survey, or by an Assistant or Deputy Magistrate, or by a subordinate Civil Judge, or by any other Officer for whose leave the sanctioning of Government, or the Board or the Sudder Court, is required, the following rules are to be strictly observed. When the application is submitted in a vernacular proceeding, the said document is to go no further than the office of the first Officer receiving it. That Officer, be he the Magistrate or the Collector, or the Superintendent of survey, or the Judge, or any other person, will, in such a case, transmit a short letter from himself soliciting the Commissioner, or the Register of the Sudder Court, or the Secretary to the Board, or the Officer immediately corresponding with him, to grant or to procure the grant of the leave solicited. If the original request be in an English letter, it will be sufficient for the Officer to send it on in original to the higher authority with an endorsement in these words—"forwarded with a recommendation that the leave may be granted;" and in all cases where a letter, and not a proceeding in the vernacular, asking for a simple leave of absence, is transmitted

Rules regarding correspondence.

Bills.

Charges sanctioned by Government.

Applications for leave of absence.

Letters which pass through several Officers.

through two or three or any number of authorities, a similar endorsement and signature at each stage without any additional letter, will be sufficient guarantee that the request has been duly weighed and considered by the transmitting authority. IV. In all other cases, where a letter from either a subordinate to a higher authority, or *vice versa*, contains nothing but a piece of information for the future guidance of such authority, or a piece of information sought for to complete any proceedings, or to rectify any error, or a direct affirmative, or direct negative to any question put either by the Board, the Sudder Court, the Government, or the Secretary of the State for India, it will be quite sufficient if the letter be endorsed or passed on with the signature of each successive authority. The transmitting authority, to retain a trace of the letter, should make a memorandum (duly numbered and dated) in his record book; but the same fact is not to be repeated in two, or, as is sometimes the case, in three succesive covering letters, nor to be entered in the record by a copy of the letter at length. V. When a bill is sent by a subordinate Officer to a Commissioner or Judge for countersignature, the Officer who countersigns must send the bill direct to the Civil Auditor, instead of returning it to the drawer. VI. No letter is to accompany a monthly, quarterly, or yearly statement of any kind which explains itself, or in regard to which a distinct and elaborate report is not required. The signature of the transmitting Officer, with date and number to the document, at the foot of the statement will be sufficient in all such cases. VII. It should be the aim, of every Officer to reduce, as much as possible, the amount of clerical labour in his Office by the introduction of lithographic forms. All statement, forms, returns, such regular monthly bills as take some time to prepare, and any other documents which are in frequent use, should be lithographed. For instance the forms of takeeds generally used in the Offices of the Commissioners of Divisions might be introduced in all Offices, and application to a superior for sanction to items of expenditure, &c. The lithographic Forms will be executed at the Allipore Jail Press, and each Department or Office will be separately debited with the cost of lithography of the forms indented for, proper check being exercised in the Stationary Department over all applications for such forms, which must be submitted in accordance with the rules in force. VIII. Memorandums and endorsements should be substituted generally, as much as possible, for covering letters in forwarding documents, when a brief remark in referrence to the documents will sufice; all such memorandums and indorsements should be numbered and dated, IX. Whenever it is not already in use the "bundle system" of filing English correspondence must be introduced at once. The rough drafts of letters issued and the original letters received on the same subject must be docketed and tied up together in separate bundles.

Lithographed forms to be used as much as possible.

Bills countersigned to be sent to Civil Pay Master direct.

Statements.

Memorandums and endorsements.

The system of bundles of letters to be introduced.

To Commissioner or Superintendent of Police
No. date

Forwarding application for 15 days leave, from
No. date

Forwarding explanation of delay in transmission of
No. date

Forwarding explanation of discrepancy in column of statement No. date

Forwarding reports from subordinate Officers stating that that no cases of have occured; that no provision for is required. No. date

To Executive Officer requesting that the Cutcherry of be repaired, No. date

To Civil Assist. Surgeon requiring his atten dance as a witness on 10th instant No. date

To ditto nominating him Registrar of deeds.
No. date

To Moonsiff or Deputy Collector informing him that his leave is granted and he may make over charge of his Office to No. date

To Magistrate stating that his explanation is satisfactory.

That reply to letter No. is requested.

This will not supersede the necessity of entering the letters issued into the letter books with a view to the preservation of the document, but it will save a great deal of time in searching for papers and collecting them when referred to; only important letters need be copied into the books at full length. Abstracts of all other papers will be sufficient, and these may be entered as shown in the margin.

The bundles of correspondence of the current year should be kept ready for immediate reference in a press divided off into compartments marked with the designations

of the several Offices, with which correspondence is ordinarily conducted. At the end of year the bundles may be broken up and the papers deposited in the record room, all correspondence with each separate office being tied up together, and labelled with the name of the Officer and the year.—*C. O. Govt. Bengal No.* 487, *May* 5 *and No.* 656, *June* 28, 1860.

3114. All public letters should have the name and official designation of the writer, with the number and date at the top of each letter.—*C. O. Govt. Bengal No.* 74, *June* 27, 1859.

Quotations of letters received how to be made.

3115. Officers who have occasion to refer in their letters to any numbered paragraphs, of letters received, are to state briefly in the margin the substance of the several paragraphs to which they so refer. Every letter should, as far as possible, be made intelligible in itself without reference to any other document for the elucidation of its meaning.—*C. O. No.* 150 *of vol.* 3, *L. P. Nov.* 17, *W. P. Dec.* 30, 1843.

Correspondence to be condensed by forwarding letters with a mere endorsement when practicable.

3116. With a view to reduce as much as possible the bulk of public correspondence, it is directed that in cases of minor importance, and certainly in all cases where the mere report of an occurence or solicitation of formal sanction is made, the reference should not be by the transmission of several enclosures, being the originals or copies of each reference from the several subordinate Officers in succession, but by a single letter or endorsement; and this rule should be applied whenever it is practicable. In cases which involve an important principle, or which may be intricate in their details, and which may have produced elaborate discussions, which cannot be rightly conveyed by any abbreviation, it is of course proper, that the mass of the papers, should be forwarded but this should always be avoided when practicable.—*C. O. No.* 17 *of vol.* 4, *Oct.* 20*th*, 1848 *L. P. and C. O. Sup Pol. L. P. No.* 7, *Oct.* 18*th*, 1848.

Envelopes to be closed with gum.

3117. Sealing-wax is not to be used for public dispatches; envelopes are to be closed with gum Arabic; and the seal of office is to be stamped upon each in lamp-black.—*Govt. Order Not. August* 17*th*, 1842.

Address of native gentlemen.

3118. Officers are to be careful that native gentlemen and particularly those of high rank are addressed in all public documents in a courteous style, suitable to their station in society.—*C. O. No.* 95 *of vol.* 3, *Novr.* 19, 1841 *L. P.*; *C. O. Sup. Pol. L. P. No.* 18, *Dec.* 31*st*, 1841.

Mode of communication with and form of address of Uncovenanted Judges.

3119. Official communications in the native languages between European Covenanted Officers and Uncovenanted Judges should be made by roobkaree. The following Forms of address are to be used in official communication with such Officers:

Principal Sudder Ameen.

Christian.	Sir.	Esquire.
Mohamedan,	لیاقت را هلیت ماب سلمهٔ الله تعالی	خان بهادر
Hindoo,	ایضا	رای بهادر

Sudder Ameen.

Christian.	Sir.	Esquire.
Mohamedan,	رفعت و عوال منزلت سلمهٔ	خان
Hindoo,	ایضا	راي

Moonsiff.

Christian.	Sir.	Mr.
Mohamedan,	بعافیت باشند	دیانت و امانت پناه
Hindoo,	ایضا	ایضا

—*C. O. No.* 122, *L. P.*; *Oct.* 19, *W. P. Oct.* 12 *and Nov.* 30, 1832 *and No.* 128 *Dec.* 14, 1832.

Mode of notifying the appointment of any person as arbitrator.

3120. The simplest Form for a Magistrate to use in notifying a wish to have the services of any party as an arbitrator, is to send a copy of the roobakaree recording consent to arbitration with these words, or a translation of them, written below "copy of the above proceeding forwarded to——for his information. The attendance of——is requested at the Office of the Magistrate on———date." Or, "he is requested to signify his acceptance of the Office of arbitrator by returning this copy with a note stating such acceptance entered on it, to the Magistrate's Office——date." This copy of the proceeding should be authenticated by the Magistrate's Official seal and signature.—*C. O. No.* 87 *of vol.* 4, *July* 12*th*, 1852 *L. P.*

RECORDS.

Record keepers to keep a register of all records

3121. The Record-keepers are to keep a Register, in the Vernacular, of all the proceedings, documents, and other Records belonging to the Court to which they are respectively attached, in a book, each leaf of which is to be attested by the Officer presiding or his assistant, and on the last leaf of which he is to specify in his own hand-writing the number of pages contained in the book.—*Bengal Reg. VIII.* 1793, *sec.* 4, *Ced. Prov. Reg. III.* 1803, *sec.* 4.

And to endorse each paper with reference to such register.

3122. The Record-keepers are to endorse upon the back of every paper or document, which they enter in the Register, the number of the page in which it is registered, and the endorsement is to be attested with their Official signature —*Ibid, sec.* 5, *and Ibid, sec.* 5.

And to take care that the records are not destroyed, or removed.

3123. It is the duty of the keepers of the records to see that the records of the Court are not destroyed by insects, damp, or otherwise, and that they are not removed without the orders of the Court.—*Ibid, sec.* 6, *and Ibid, sec.* 6.

Under penalty of dismission.

3124. If any records entered in the Register are destroyed in consequence of the neglect or any omission of the keeper of the records, or if any such records are not forth coming and they are not able to give a satisfactory account of them, they are liable to dismission from Office.—*Ibid, sec.* 7, *and Ibid, sec.* 7.

Responsibility of Officers to keep their records in order.

3125. Any Officer who permits the records of his Office to fall into disorder is to be held responsible to Government for the expenses incurred in their re-adjustment and any functionary receiving charge of an Office, the records of which are in disorder or so immethodically arranged as to prevent the ready production of papers when called for, who fails to make a timely report of their state, is to be similarly held answerable for the outlay attending the assortment of the records.—*C. O. No.* 122 *of vol.* 3, *Novr.* 4*th*, 1842.

3126. As there is no specific provision in the regulations for compelling native Officers of Government to deliver overcharge of the records of the Office, such cases must be treated under the general Regulations.—*Const. No.* 176.

Books of subordinate offices of registery of deeds where to be deposited.

3127. The Register books of Offices established under Act XXX. 1838 are to be deposited in the Lower Provinces of the Presidency of Bengal among the records of the Magistrates, Joint Magistrates, and in the North Western Provinces among the records of the Collectors of the stations where such Offices have been or shall be hereafter established.—*Act XI.* 1851.

Revenue authorities cannot demand to see records.

3128. The revenue authorities are not entitled to demand that the records of cases should be sent to them for inspection; but they may depute an Officer to examine such records with the permission of the Court.—*Const. No.* 693.

Access to records of criminal cases.

3129. Vakeels, Barristers and Attorneys of the Supreme Court, and their Agents, or the parties themselves or their authorized Agents, should be permitted, under proper precautions, to have access to the records in criminal cases in which they are themselves concerned or engaged and without requiring a petition for such permission on stamped paper.—*Letter of Nizamut Adawlut to Judge of the* 24-*Pergunnahs No.* 1580 *November* 26*th*, 1852.

Destruction of old records.

3130. In 1831 the Magistrates were authorized to destroy all the Persian records of their Courts of a date prior to the 31st December 1815, except the proceedings in cases of commitment for trial before the Court of Circuit, and any other Records which they thought it necessary to preserve. So in 1835 the Magistrates in the Lower Provinces were allowed to destroy the Persian Records of their

Courts of a date prior to the 31st December 1820 with the same precautions: and those in the Western Provinces, who required more room in their record Offices, were permitted to burn such papers in each case as were connected with the investigations of the Police. And in 1850 the Courts sanctioned the destruction of accumulated records of the Magistrates Courts from 1830 to 1845 inclusive but directed that all records of cases under Act IV. 1840 should be preserved.—*C. O. No.* 88, *Sept.* 9, 1835; *No.* 180 *Sept.* 25, 1835 *L. P. and No.* 182, *Oct.* 16, 1835, *W. P. of vol.* 2, *and No.* 35 *of vol.* 4, *March* 22*nd*, 1850 *W. P.*

3131. The following rules are to be adopted for the destruction of criminal records in lieu of those scattered through several circulars. I. Records of Sessions trials, and heinous cases of the Magistrate's Court, generally of above fifteen years date, may unobjectionably be destroyed; a discretion being exercised at the same time, by the Session Judges and Magistrates, of preserving individual cases, or papers, on any grounds appearing to them sufficient; cases in which sentences are not expired must invariably be preserved. II. Provided, that cases in which parties accused have hitherto eluded apprehension, shall always be preserved. III. The above rules shall be acted on from year to year, so that no accumulation may occur beyond a term of fifteen years in regard to the records of heinous cases. IV. In regard to other records of the Magistrates Court, the following may be destroyed yearly, if upwards of two years old, excepting those which the Magistrate may deem it prudent to preserve, in consequence of the non arrest of particular offenders:— General rules for destruction of records.

Security cases if expired.
Petty Trials.
Act IV. 1840 Suits, excepting the decisions and documents, plaints and answers.
Miscellaneous cases.
Thanna Diaries.
Police Reports on which no further proceedings followed.
Miscellaneous Roobakaries.
Ditto Reports and Returns by the Nazir.
Copies of Perwanahs.
Ditto Ishtahars.
Despatch books.
Receipt books of the Record rooms.
Rough Order books.
Witnesses' attendance books
Appeals.
Nazir's Records, excepting lot bundees, accounts of money and Ferry Ghat papers.
Miscellaneous Reports of the Jailors.
Miscellaneous petitions.
Periodical statements, except annuals.
Register of petty cases.
Ditto Mokhtarnamahs excepting "General ones."
Ditto Miscellaneous cases.
Ditto Petitions.

V. In regard to cases appealed to the Sessions Court, the Sessions Court record of such cases may be periodically destroyed after a term of five years.

Thus, on the first January next all appeal Records of this nature may be destroyed appertaining to a date previous to first January 1853.—*C. O. No.* 49, *August* 20*th*, 1857, *L. P.*

3132. Records relating to Police lands must be carefully preserved.—*C. O. No.* 51 *October* 9*th*, 1857. *L. P.*

3133. Record of Sessions Trials generally of above twenty years date; and all Records of trials of above ten years date in which the prisoners were acquitted, or in which the period of sentence has expired: and Records of cases appealed to the Sessions Court of above five years date; may be unobjectionably destroyed, and should be destroyed from year to year to prevent accumulation. But individual cases Rules of 1854 W. P. for selection of records to be destroyed.

and papers may be preserved on any grounds which appear to the Judge sufficient: and in cases of acquittal or expiry of sentence the final Roobakaree should always be preserved, as well as the entire Record of those cases in which accused parties are still eluding apprehension.—*C. O. No.* 1527, *Dec. 8th*, 1854, *W. P.*

Above rule applicable to cases of commitment in Magistrate's Office.

3134. Under instructions from the Government, the Court of Nizamut Adawlut are pleased to extend the Rule laid down in their Circular Order No. 1527, dated 8th December 1854, for the destruction of the Records of the Sessions Courts to the Record of cases of commitment in the Offices of the Magistrates in these Provinces. 2. Under these Orders, Records of cases of above twenty years date may unobjectionably be destroyed, a discretion being exercised at the same time by the Magistrates of preserving individual cases or papers on any grounds appearing to them sufficient. 3. The same Rule is applicable to all Records of cases of more recent date up to ten years anterior to the present time, in which the prisoners were acquitted, or in which the period of the sentences passed has expired, exception being made of the final Roobokaree, and also in respect to such cases as may comprehend the incident of parties accused, who have hitherto eluded apprehension, but in the event of whose trial hereafter, it may be desirable to have the means of reference to the Record of trials previously held in the case. Records of this last description will be preserved. 4. This rule should be acted on from year to year so that no accumulation may occur beyond a term of ten years.—*C. O. No.* 691, *April 30th*, 1857, *W. P.*

Old records may be made over to jail for paper manufacture.

3135. Old Records may be made over to Magistrates for the purpose of manufacturing paper instead of being burnt. But due precaution must be used that the papers may not be misapplied; and the papers should be torn into small pieces before they are removed from the Record room.—*C. O. Govt. Bengal No.* 19 *April 4th*, 1855.

To be paid for

3136. When such Records are made over to the Jail by the revenue Officers they are to be paid for at the current market rate for waste paper.—*Ibid, No.* 23, *June 15th*, 1855.

All sums realized by the sale of old criminal records to be applied to the maintaining the records.

3137. All sums which may be realized by the sale of old criminal Records, the writing on which should be throughly obliterated or defaced, and the paper cut up, before they are sold, should be carried to the credit of a fund for maintaining the Records of the Office. Magistrates are to account for the same in their annual Reports on the administration of Criminal Justice by stating the yearly amounts realized and expended.—*C. O. No.* 60, *June 22nd*, 1858 *L. P.*

Applications for copies.

3138. To prevent the specification of additional documents in applications for copies after their presentation and the passing of an order upon them, pititioners are to be required to mention in words the number of documents of which transcripts are required, and to insert the date of application immediately after the list of papers.—*C. O. No.* 132 *of vol.* 3, *L. P. April 7th*, *W. P. May 19th*, 1843.

A deed once filed becomes a record.

3139. When a deed has been once filed in Court, it becomes a Record, and a copy may be taken on the stamps prescribed for copies of Records.—*Const. No.* 428.

Minutes of Judges of Nizamut Adawlut.

3140. Minutes recorded by the Judges of the Sudder Dewany and Nizamut Adawlut on a question of general importance and submitted to Government, are not to be considered as public documents; consequently, copies should not be granted to private individuals on their application.—*Const. No.* 718.

Letters from or resolutions passed by the Nizamut Adawlut.

3141. Whenever applications are made for copies of any letters from or resolutions passed by the Nizamut Adawlut, the applicants are to be referred to that Court. This Rule does not apply to the sentences of the Court in Criminal Trials; and in the Western Provinces it is applicable only to copies of letters, resolutions and other Orders recorded in the English language.—C. O. *No.* 160, *April 19th*, 1844 *L. P. No.* 207; *July 22nd*, 1845 *W. P. and* 218, *Novr. 17th*, 1845, *W. P. of vol.* 3.

Persons not Officers of the Court may be employed in making copies

3142. The prohibition contained in sec. 2 Reg. VIII. 1825 against the employment of others that the duly constituted Officers of the Court, need not be construed to preclude other persons than the regularly appointed Officers of the Court from taking copies of public documents, with the sanction of the Officer presiding, for the use of private individuals, at the expence of those who employ them.—*Const. No.* 407, *Reg. III.* 1829, *sec.* 6.

Remuneration of copyists. W. P.

3143. It having been brought to the notice of the Court that their Circular Order No. 100, dated the 31st July 1840, providing for the uniform remuneration of copyists in the Judge's Court, by a fixed rate of payment, calculated according to the number of words written has in many Districts fallen into disuse, caused in a great measure probably, by the low rate of remuneration prescribed, they are pleased to resolve that hereafter the authorized payment to such copyists shall be fixed at the rate of one rupee for 2 000 words, in modification of paragraph 3, of Circular Order No. 100, dated 31st July 1840. Subject to the above modification, the provisions of the above-mentioned Circular are to be strictly attended to in future, and the Civil Judges are directed to put a stop to any deviation from its rules which may have hitherto obtained, especially to the objectionable practice which has been found to prevail in some districts of calculating the remuneration by sheets or pages.—*C. O. No* 29. *Sept.* 21, 1860 *W. P.*

Remuneration of copyists. L. P.

3144 I am directed to inform you that the following rates of remuneration for copying documents are to be adopted for the future.

ON ACCOUNT OF PRIVATE PARTIES.

For copying 750 English words	1	0	0
For examining ditto ditto	0	8	0
For copying and examining 1840 Vernacular words	1	0	0

ON ACCOUNT OF GOVERNMENT.

For copying and examining 2000 English words	1	0	0
For ditto ditto 4000 Vernacular words	1	0	0

It is not to be understood that the clerks in the Government Offices are to be paid for copying on account of Government, but that the rates for Government work given above are to be in force whenever any extra copying work, which it would be impossible for the regular establishment of the Offices to get through, has been sanctioned by Competent Authority.—*C. O. No.* 11, *Aug.* 5, 1861, *L. P*

3145. When copies of documents are lengthy, and occupy several stamp papers, they should be stitched together consecutively, as copies of decrees of the Civil Courts.—*C. O No* 34, *Feby.* 5, 1857.

PAPERS REQUIRED TO BE FILED IN THE SUPREME COURT. Copies how to be prepared.

3146. The presiding Officer of any Court on application being made to him in the usual form for leave to take a copy of any recorded *proceeding* of his Court, for the purpose of being produced in evidence before Her Majesty's Supreme Court of judicature, is (provided there be no special objection to granting the copy, in which case a proceeding to that effect should be recorded by the presiding Officer) to direct such copy to be made at the expense of the party applying for the same, and is to permit the same, when made, to be examined with the original proceeding by the Record-keeper or other person intended to be produced as a witness to the correctness of such copy; and, if any commission shall have been issued out of the said Supreme Court to such presiding Officer for the examination of such person, to examine him according to the tenor of such commission; or, if the party applying for such copy is satisfied with such certificate, to certify under his hand that such copy is a true copy of the proceeding whereof the same supports to be a copy.—*C. O No.* 45, *of vol.* 4, *Nov.* 6, 1850 *L. P.*

Rules for the production of documents.

3147. The presiding Officer of any Court, on application being made to him in the usual form for directions for the production of any *document* in his Court, which may be required to be produced in evidence before the Supreme Court, is immediately to record a proceeding declaring whether there is, or is not, any objection to the production of the document in question, and a copy of such proceeding is to be given to the applicant. The objection, whether arising from the pendency of any case to the decision of which the document is necessary, or other cause, is to be fully stated in the proceeding; and the presiding Officer is in that case to use his best endeavour to remove the objection by the decision of the suit, or otherwise, as speedily as may be practicable. If the presiding Officer records that there is no objection to the production of the document in question, or if any recorded objection be afterwards removed, then upon service upon the Record keeper of a *subpœnaduces tecum*, and on tender of his expenses, the Record-keeper, or some subordinate Officer commissioned by him, is to proceed with the document in question to Calcutta, and produce the same before the Supreme Court according to the exigency of the subpœna.—*Ibid.*

PROCEEDINGS not to be held by the heathen deities.

3148. The names of the heathen deities are not to be prefixed to the proceedings or orders of the Courts, or to any processes emanating therefrom. But this has no reference to petitions, documents, or papers of any kind, presented to the Courts, in regard to which all interference is prohibited.—*C. O. No.* 96 *of vol.* 3, *Dec.* 3, 1841, *L. P.*

The vernacular substituted for the Persian language.

3149. Act XXIX, 1837 gives the Governor General in Council power, by an order in Council, to dispense either generally, or within such local limits as should seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any judicial proceedings or in any proceeding relating to the revenue, and to prescribe the language and character to be used in such proceedings; and also to delegate this power to any subordinate authority. Accordingly such power having been delegated to the Governor of Bengal, it was directed that in the districts comprised in the Bengal division of the Presidency of Fort William, the vernacular language of those Districts should be substituted for the Persian in judicial proceedings and in proceedings relating to the revenue.—*C. O. S. D. A. No.* 3, *Feby* 9, 1838.

The Oordoo is the language of the Nizamut Adawlut.

3150 The Oordoo language is the language of Record in all proceedings and orders in the Nizamut Adawlut at the Presidency, and it is to be written in the Persian character. In criminal Trials referred to that Court, with exception to trials for the crime of thuggee, all papers which are not drawn up in the Persian or Oordoo language, are to be accompanied by translations in the latter. In Districts in which the Oordoo language is current, it is to be written in the Nagree character. In Districts in which either the Oordoo or the Bengallee is the current language, parties are to be allowed to present all petitions and pleadings in any language they think most suitable to their purpose; but any document so presented which is not written either in the Persian, Oordoo, or Bengalee, is to be accompanied by a translation in one of those three languages. The same rule is applicable to futwas and bewristahs required from the Law Officers. The authorities in the Bengal Districts are to correspond with each other in the vernacular language, and to employ the Oordoo in their correspondence with the Courts of other Districts. The same rule is to be observed, *mutatis mutandis* in Cuttack and the other provinces subject to the jurisdiction of the Nizamut Adawlut.—*C. O. S. D. A. No.* 42, *July* 5*th*, 1839; *C. O. No.* 112 *of vol.* 3, *June* 24*th*, 1842, *L. P.*

To be written in the Nagree character.

Petitions and pleading.

Correspondence.

Style to be adopted in the use of Bengalee.

3151. In using the Bengalee language, the Courts are to adopt a style equally removed from the colloquial and that employed by the Pundits; Officers are to pay particular attention to this subject, and to refer their amlah to the Bengalee version of the Regulations of 1793 in regard both to the style, and the terms which usually occur in legal proceedings.—C. *O. No.* 84 *of vol.* 3 *April* 2, 1841 *L. P.*

The Oordoo to be substituted for the Persian in the Western Provinces.

3152. In the Western Provinces, the use of Persian in all criminal proceedings, petitions, and writings of what kind soever, is to be wholly discontinued, and the Hindoostanee to be adopted in its stead. In criminal trials referable to the Nizamut Adawlut, Persian translation of evidence recorded in the vernacular need not be transmitted; but it is the duty of Session Judges to transmit all proceedings they refer to, or send up on a call of the Court, written in a correct Oordoo style and fair and legible character, and to require the Magistrates, whenever uncommon words or obvious provincialisms occur in a Record of evidence, to cause the Mohurrir at the time of taking it down to enter in the margin the corresponding or equivalent term in Persian. The style used must be clear and idiomatic; and it is not sufficient merely to substitute a Hindoostanee for a Persian verb at the end of a sentence.—*C O. No.* 26 *of vol.* 3, *May* 31*st*, 1839, *W P.*

Style of composition in Oordoo.

3153. There are two styles of composition in Oordoo; one little distinguished from Persian, excepting in the use of Hindee verbs, particles and inflections; the other having a much freer use of ordinary Hindee words, and made designedly as easy as practicable to persons not familiar with Persian. The latter is the style which without any needless or affected avoidance of well established Persian words or expressions, should be habitually employed in all the Public Offices.—*Govt. Order W. P. No.* 633 *A*, *May* 9, 1854.

3154. All proceedings addressed to the assistant to the Governor General's Agent stationed at Hazareebagh or Lohardugga are to be written in the Oordoo Language.—*C. O. S. D. A. No.* 27, *November* 23*rd*, 1838.

3155. The Oordoo, Hindoostanee, which is the language most universally prevalent throughout India, and with which even the thugs of Lower Bengal must, from their wandering habits and practice of conversing with travellers from all parts of the country, be well-acquainted, is to be used by all the Officers employed in the investigation of charges for thuggee.—*C. O. No.* 241 *of vol.* 2, *August* 11*th*, 1837.

Oordoo to be used in Thuggy proceedings.

3156. All processes issued to a European defendant should be in the ordinary language of the Court and in English. Such person filing his pleadings and petitions in the Vernacular on the prescribed stamp may be permitted to add translations thereof in English on unstampt paper: but it is no part of the duty of the Court to furnish him with translation; he must procure a person duly qualified to interpret for him. The deposition of a European witness must be recorded in English, and a Vernacular translation by the Court annexed thereto.—*Const. No.* 1035.

Language to be used in cases in which Europeans are concerned.

3157. The Hon'ble the Lieutenant-Governor is pleased to call the attention of all Officers under the Government. N. W. P., to the "Alphabet to be used in the conversion of names from the languages of the country into English" adopted by the Record Committee in 1820 and prescribed for use in the Settlement Records in para. 9 of the "Directions to Settlement Officers, as printed in the Appendix No. 1 thereto appended. Much diversity at present exists in the mode of rendering names from the Vernacular into English, in Official documents generally, and as the Lieutenant-Governor considers it to be very desirable that one uniform system should be followed in this respect, and the Alphabet in question is the most suitable and convenient for the purpose, he is pleased to extend the Order regarding its use to Official papers in the different Departments.—*Govt. Order No.* 2025 *A*, *Act.* 11*th*, 1854.

Alphabet for conversion of names from the languages of the country into English.

3158 In pursuance of the Notification issued by the Government, under date 11th, and published in the Agra Government Gazzette of the 24th Instant, the Court publish, for the general information of those who may not have ready access to the Directions to Settlement Officers, "the Alphabet for conversion of names from the languages of the country into English" of which the use is now enjoined in all Departments. 2. It is particularly desired that the principle of writing native names, laid down in that Record, may be attended to, and adopted in the several Criminal Reports and Civil Decisions written by public Officers, the varieties of spelling and writing words which at present exist being very inconvenient and anomalous. 3. The Court take the opportunity of requesting the greater attention of the Civil Judges, generally, to the study of a perspicuous and careful style of writing in their decisions, recorded in English unmixed, except where it cannot be avoided with the use of Vernacular terms and phrases There has long been cause for dissatisfaction in this regard in respect to the judgments recorded by several Officers, those of Zillah Goruckpore being specially remarkable for this effect. The Court have no objection to the employment of such words as those indicated in the margin* and the like under lined (where used) in the manuscript in order that they may appear in italics in print. But they object to, and must protest against the introduction into English judgments of such words as "farkhutee" "rehundar" "swoal" "mooriss" ikbal dawa" "asamee" &c., which are all fully capable of expression by corresponding terms in English. The Court have only to refer to a Goruckpore Decision of 25th August 1853, page 131 to show how common the irregular practice is which they would wish discontinued. 4. Ordinary care, and the simple obligations of duty, should likewise suggest such a revision of the judgment, sent to press as may secure their general accuracy, and the avoidance of the discreditable necessity of a printer's foot note to an unintelligible sentence.—*C. O. No.* 2113, *Oct.* 27, 1854, *W. P.*

* Bywustah, Juma bundee, Khusrah, wajeebool-urj, putteedar and thikadar.

Appindix No. 1 of the Directions to Settlement Officers. Alphabet proposed to be used in the conversion of names from the languages of the country into English.

1	A	a	Atmanugur, Alumpore.	अ	अ	آ
2	AI	a i	Ailwul,	ऐ	ऐ	ای

			Aishnugur.			
3	B	b	Burcepoor,	ब	ব	ب
4	Bh	bh	Bhuwaneepoor,	भ	ভ	بهه
5	Ch. ch. h. ch. ch. h.		Chichura,	चछ	চছ	چ چهه
			Chhipagurh.			
6	D	d	Datansigur,	डद	ডদ	د
7	Dh	dh	D,hurumpoor,	ढध	ঢধ	د هه
8	E	e	Ekeesgurgh,	ए	এ	اي
9	Ee	ee	Eeshwurnugur,	ई	ঈ	اي
			Edgurh.			
10	F	f	Furcedpoor,	फ	ফ	ف
11	G	g	Gungasagur,	ग	গ	گ
12	Gh G,h gh g,h,		Ghazeepoor,	घ	ঘ	غ گهه
			G,haingor.			
13	H	h	Huveleeshur,	ह	হ	ح هه ه
			Hurginspore.			
14	I	i	Indurgurh,	ई	ঈ	ي إ ع
			Humbazar,			
15	J	j	Jahilgurh,	ज	জ	ج
16	Jh	jh	Jhaumdeh,	झ	ঝ	جهه
17	K	k	Kunkurpoor,	क	ক	ك
			Kakdeh.			
18	K,h. Kh kh kh		Khurukpoor,	ख	খ	خ گهه
			Khalisnugur.			
19	L	l	Lalgurh,	ल	ল	ل
20	M	m	Mihuntabad,	म	ম	م
21	N	n	Nurayunpoor.	न	ন	ن
22	O	o	Olanugur,	ओ	ও	او
23	OO	oo	Oondes,	उऊ	উঊ	او اُ
			Oostadpoor.			
24	OU	ou	Ousbandeh,	औ	ঔ	إو
25	P	p	Peepulgaon	प	প	پ

26	Ph	ph	P,hoolpoor,	फ	ফ	ڤھ
27	Q	q	Qasimgunge	ण		ق
28	R. R,h	r, r,h	Rungpoor, Rhotas.	रड	ণরড়	ر ڑ
29	S	s	Sasuram Sadutgung.	स	স	س
30	Sh	sh	Sholapoor, Shureefbazar.	षश	শষ	ش
31	T	t	Tunkhaldeh,	त	ত	ت ۃ ط
32	Th	th	T,hanagurh	थ	থ	تھ
33	W	w	Umritpoor, Uleepoor.	अ	অ	ا ع
34	Uw.	vw.	Wristabad Vuzeerpoor.	वब	ব	و
35	Y	y	Yarpoor,	य	য	ی
36	Z	z	Zeeafutabad Zalimpoor, &c.			ز ظ ض ذ

N. B.—The English alphabet having no letter capable of representing the ع ain of the Persian, the use of this, as contra distinguished from A E I; or U may be denoted by a mark thus ' before or over the letter.

C. O. No. 785 May 11, 1857 re published

3159. As the Court find that their circular No. 785, dated 11th May 1857, is not generally acted upon in consequence probably of its having been published at the commencement of the recent disturbances, and of its having been since overlooked, they now republish it for the guidance of the Criminal Authorities. 2nd, Magistrates are required to observe its instructions carefully, and to insist on a similar observance thereof by their subordinates; and Sessions Judges are also requested to notice any departure from its provisions in reviewing proceedings which may come before them.—*C. O. No.* 13, *Aug.* 14, 1860, *W. P.*

All orders to be recorded in a running record proceedings.

3160. The Court finding variety of practice among different Magistrates in the mode of recording important orders passed at different stages of proceedings in criminal cases, and considering the mode adopted in the Saugor and Nerbudda Territories, and by some Magistrates elsewhere, to be the best for securing fidelity of record and facility of reference, are pleased to enjoin a careful observance of the following rules. All orders of importance, now sometimes recorded in separate Roobkareeas, sometimes upon urzees, or petitions and sometimes at the foot of depositions interspersed throughout the Misl of a case, will henceforth be consisely entered on one sheet, or on as many connected sheets of paper as may be required, to be entitled a running record of proceedings, which must invariably form the second paper of each Misl, the first paper being, as now, the list of all papers therein. Each of these consecutive orders will bear its number according to order of date, and will be signed on its date by Officer passing it, the first line of the following order being written immediately underneath his signature, and so on to the final proceeding which will merely give the substance of the conviction, acquittal, or commitment statement, as the case may be. Any orders of importance unavoidably passed upon an urzee,

Orders so entered to be numbered and signed

Orders of importance which may be recorded in any other paper to be copied in this.

Superscription.

or petition, when the Misl is not at hand, must be entered on the running record, and signed by the Officers, passing it with a marginal note of the paper bearing the original order. It is believed that both Magistrates and Appellate Courts will find the advantage of such a continuous record, shewing at one view the entire chain of proceedings in each case, while interpolation, or abstraction of papers, will be more effectually prevented. It is further enjoined, that each order entered on this record, shall bear a superscription, giving in full the name and the Official designation of the Officer passing the order. The Official designation must include in the case of Assistants, Deputies, Moonsiffs, &c., whose Magisterial powers vary, the precise powers with which they may be vested.—*C. O. No.* 785, *May* 11, 1857, *W. P.*

MISCELLANEOUS.

Mode of calculating the period allowed for any official act.

3161. When the period, within which an appeal should be lodged or any official act done consists of days or weeks, the full number of days or weeks mentioned in the order is to be allowed, exclusive of the day on which the order is passed; and when a month or year is mentioned, it should be reckoned according to the English calendar, that is to say, the month should not be invariably reckoned at thirty days, and the year should comprise twelve English calenar months.—*C. O. No.* 158 *of vol.* 3, *March* 1, 1844 *L. P.*

References to the Advocate General.

3162. All references which are made for the opinion of the Advocate General on points of English Law are to be submitted through the Nizamut Adawlut.—*C. O. No.* 133 *of vol.* 3, *April* 12, 1844. *L. P.*

References regarding chemical questions to be made to the professor of chemistry, Medical college.

3163. All references regarding chemical questions and operations on account of Government, are to be made to the Professor of Chemistry, Medical College, Fort William, who is privileged to issue and receive letters connected with his department free of postage. But such references are to be limited to cases of urgent necessity, in which the local Medical Officer cannot afford the required information, and to doubtful cases of poisoning, &c. regarding which there is need of information for directing the researches of the Police. Magistrates are not to call upon the Chemical Examiner to make affidavits before one of the Magistrates of Calcutta, regarding any matter referred for examination, as such affidavits are not legal evidence.—*C. O. No.* 110 *June* 24, 1842 *and No.* 146, *Oct.* 27, 1842 *of vol.* 3.

Who is not to be required to make affidavits before a Magistrate.

In such cases ordinary recourse should be had to the Local professional agency on occasions needing an analytical detection of poison in substances or human subjects.—C. O. No. 1282 October 10, 1854 W. P.

In some places reference can be made to local Officers.

With this view tests and apparatus for Medicolegal investigations have been forwarded to the Civil Surgeons at Benares, Mirzapore, Allahabad, Cawnpore, Meerut, Delhi, Agra, Bareily, Moradabad, and Saugor; and Magistrate requiring professional agency for the detection of poison should forward the suspected articles to the Magistrates of the nearest of those Districts.—*C. O. No.* 1550, *Nov.* 17, 1855, *W. P.*

Details of the case are to be forwarded with such reference.

3164. Officers forwarding to the examiner substances for chemical examination, are to furnish him with every detail that can be obtained both from the Civil Surgeon and those persons who depose to the facts of the case.—*C. O. No.* 129 *of vol.* 3, *L. P. Feby.* 10*th, and No.* 546, *April* 12, 1856, *para.* 2. *W. P. April* 4*th*, 1843. *C. O. Sup. Pol. L. P. No.* 6, *Feby.* 10*th*, 1843.

All paper used for record must be so prepared as to be proof against attacks of insects.

3165. All paper used in the Courts is to be properly prepared for the purposes of Record, such materials being used in the manufacture as will render it proof against the attacks of insects. Arrangements may be made by the different Offices with the Courts for a regular supply of Jail-made arsinicated paper to the several Judicial and Police Officers stationed in the interior of the District; and where the Local Jail may not be able to furnish a sufficient quantity, it may perhaps be possible to procure it from an adjacent District without greatly enhancing the cost. It might be desirable to encourage private paper makers; but proper precautions should be taken to prevent the substitution of turmeric for yellow arsenic, the appearance being similar, but the difference easily discernible to the smell or taste.—*C. O. S. D. A. No.* 19, *May* 12*th*, 1854

Indents for forms on the Government lithographic press.

3166. No charge whatever is made for forms printed at the Government Lithographic Press. Whenever an Officer requires Lithographic Forms of any description, he is to apply direct to the Superintendent of the Government Press for them, and not through the Nizamut Adawlut; but he is to indent for those Forms only which have been approved of by the Court, such Forms are kept in readiness but, if it is incovenient to wait for them, the statments are to be drawn out in precisely the same

Forms as those issued from the Court: and no alterations should, on any account, be made in any Form directed by the Court to be used, except with their express permission.—*C. O. No.* 118, *August* 24*th*, 1832 *W. P.* 136 *April* 6*th*, 1833 *para.* 15, *and* 235 *July* 7*th*, 1837 *L. P. of vol* 2.

To be accompanied with specimens.

3167. Officers indenting on the Government Lithographic Press for Forms of statements &c., are to forward to the Superintendent, with their Indents a specimen of the smallest size of paper on which the Forms may be executed without material inconvenience.—*C. O. No.* 121 *L. P. Oct.* 21*st*, *W. P. Dec.* 28*th* 1842, *repeated in No* 169 *of vol.* 3, *June* 11*th*, 1844

Indent for forms of criminal process

Similar forms were issued L. P. under C O No. 3, January 19, 1855.

3168. The Court circulated a set of Forms of Criminal process* for a three months supply of which the Magistrates are directed to indent upon the Secundra Orphan Press through the Court. The number of the English version of the Forms indented for will of course depend on the average number of European defendants and witnesses summoned before the Criminal Courts. For the sake of convenience, the registered Number of each Form is given in the annexed indent.—*C. O. No.* 1264 *3rd September* 1855, *W.* P. 73.

FORM OF INDENT.

	Number of copies required for three Month's supply.			
No. of process.	Registered No.	English	Registered No.	Oordoo.
1	140		159	
2	141		160	
3	142		161	
4	143		162	
&c.	&c.		&c.	

—*C. O. No.* 1264, *Sept.* 3*rd*, 1855 *W. P.*

Indents for Lithographic forms to be submitted on the 1st. October L. P.

3169. An Indent is to be submitted in the following Form, to the Register of the Nizamut Adawlut, on the 1st October of each year for such Forms of Statements, Warrants &c., usually supplied to the Local Authorities from that Office, as will be required for the ensuing year.

Indent for Lithographed Forms for the year 1848.

Description of Form	No. last applied for	No. in the store on 1st October 1847.	No. now indented for.

—*C. O. No.* 126, *July* 9*th*, 1847 *L. P.*

Temporary contingent Establishments.

3170. Whenever there is occasion to require the aid of establishments of a contingent and temporary character, Officers are to submit, in every practicable case, and when time will admit of it, a statement of such extra charges, in order that they may be sanctioned by Government before they have been actually incurred.—*C. O. No.* 86 *of vol.* 4 *June* 11*th*, 1852 *L. P.*

Rules for employment of Officers dismissed.

3171. It is so injurious to the service that men, who have been dismissed for misconduct from one Department, should be considered eligible for re-employment in any other Department, that such prac-

tice must be entirely discontinued. It is a wholesome check upon negligence and dishonesty for the servants of Government clearly to understand that probity and diligence are the only means of retaining employment under Government.—*Despatch of Court of Directors No.* 27, *July* 10*th* 1850 *C. O. Sup. Pol. L P No.* 11. *Novr.* 1*st*, 1850 *C. O. No.* 46 *of vol.* 4, *Novr.* 22*nd*, 1850 *L. P.*

Above rule not applicable to c of inaptitude

3172. The foregoing rule was not intended to apply to cases of inaptitude for some particular branch of occupation, to which a native servant may have been originally appointed, and from which it may have been necessary on that account only to displace him.—*C. O. Sup. Pol. L. P. No.* 12, *Nov.* 8*th*, 1851, *C O. No.* 75 *of vol.* 4, *Dec.* 17*th*, 1851.

Countersignature by Civil Officers of plans relating to public works.

3173. The countersignatures by Civil Officers of plans and other documents relating to public works, is not to be deemed as imploying a tacit approbation or confirmation of the Statements contained in the documents to which they are affixed. A separate heading is to be introduced in all documents requiring countersignature for the remarks, if any, of Civil functionaries, and when they have none to make for the simple Record of the fact; but such papers are not to be detained unnecessarily; and, for the purpose of ascertaining upon whom the blame of delay should rest, Executive Engineers are to be required invariably to note the dates of Despatch and Civil Officers those of receipt and return.—*C. O. No.* 222 *of vol.* 3, *January* 9*th*, 1846, *L. P.*

Magistrate to report delays in the repairs of public buildings.

3174. In the case of delays in the execution of repairs and alterations of public buildings, it is the duty of the Magistrate, or other public Officer to whose Department the work belongs, to report the circumstances to Government, in order that measures suitable to exigency of the case may be taken.—*C. O. No.* 253 *of vol.* 1, *May* 3*rd*, 1822.

Use of circuit houses

3175. The Commissioners of Revenue and Circuit (and Executive Officers when on duty at stations not their head Quartors) are allowed to occupy the circuit houses when not required by Officers holding Criminal Sessions. The Session Judge may also authorize the temporary occupation of those houses by persons employed on the public service, under the express condition that they uniformly vacate them when required for the above mentioned Officers. This indulgence is not to be extended to persons wishing to occupy cutcherries or any other public buildings in the Judicial Department, and the Magistrates are strictly prohibited from allowing any individuals to occupy such buildings for their personal accomodation. On the occurrence of any extraordinary emergency which appears to warrant a temporary exception from this rule, the Magistrates are to apply for the previous sanction of Government through the Session Judge, explaining the cause of the emergency, and specifying the period for which the indulgence is solicited.—*C. O No.* 196 *of vol.* 1, *Feby.* 24*th*, 1818.

Circuit houses are in the custody of the Magistrates

3176. The custody of the circuit houses at out stations when not in use, remains with the Magistrates who are to arrange for the purpose from the general establishments at their disposal.—*C. O. No* 1578 *November* 20*th*, 1855, *W. P.*

No more circuit houses to be built.

3177. It was determined by Government in 1829 not to build circuit houses at stations, where they had not then been erected; and Commissioners of Circuit were directed to find their own accomodation at such places.—*C. O. No.* 35 *of vol.* 2, *August* 21*st*, 1829.

Survey of buildings before purchase

3178. No building is to be purchased for public purposes without the previous survey and Report of the Executive Officer of the District. Extract from despatch of the Court of Directors No. 13 of 1849 in.—*C O. Supt. of Police L. P. No.* 6, *Dec.* 5*th*, 1849.

Thatched houses.

3179. No thached houses are to be erected contiguous to public buildings without a reference to the Officers of the Department under whom such buildings may be.—*C. O. Sup. Pol. L. P.* No. 2, *March* 6*th*, 1851.

Documents and information obtained officially not to be communicated to individuals without the consent of the Government.

3180. Documents and papers, which have come into the possession of Officers officially, are in no case to be made public, or communicated to individuals, without the previous consent of the Government to which alone they belong. The Officer in possession of such Documents and papers can only legitimately use them for the furtherence of the public service in the discharge of his Official duty: and it is to be understood that the same rule which applies to Documents or papers, applies to information of which Officers become possessed officially.—*Govt. Not. August* 30*th*, 1843.

3181. The Superintendents of Police will, under the above notification, bring to the notice of the Government all instances in which he concludes that information procured officially has been afforded to public journalists, or the Editors of periodical publications, by the Officers employed in the Police or Thuggee Departments.—*C. O. Sup Pol. L. P. No.* 11, *May 20th*, 1844.

The Commissioner will take notice of any infringement of this rule.

3182. Public Notifications of general importance should be sent for publication to the Vernacular Gazettes, as the best means of giving them a wide currency among the natives.—*C. O. S. D. A. November 19th*, 1841.

Public notifications to be sent to the Vernacular Gazettes.

3183. The following rules are to be observed in regard to filed stamps. All stamps filed and not liable to be returned, are to be punched. In old cases the duty is to be performed by the Serishtadar of the Zillah Court, or Magistrate's Office, but under the supervision of the Judge or Magistrate. In pending cases the punching is to be effected by the same Officer after decision, and before consigning them to the Record Office. Stamps which may be now filed, will be punched by the Sheristadar or other Officer receiving them ; and Judges, and Magistrates, Joint, Assistant, and Deputy Magistrates of all Grades, when signing the order for filing are to see that the rule is observed. Blank stamps, which are filed to make up for deficient value of any petition, are to be destroyed by the Judge or Magistrate, and Certificate of the fact is to be endorsed on the principal stamp after decision of the case, and before consigning it to the Record Office.—*C. O.No.* 94, *W. P. Oct.* 11*th, and L. P. No.* 98 *Oct.* 29*th*, 1852 *vol.* 4.

Rules regarding destruction of filed stamped papers.

3184. The creation and maintenance of unauthorized funds in the public Offices, through the means of fines, or from deductions made from the pay of establishments, is prohibited ; and sums thus accruing should be carried to the credit of Government.—*C. O. No.* 90 *of vol.* 3 *L. P. August* 6*th W. P. Oct.* 8*th* 1841.

Unauthorized funds are not to be created by fines

3185. The Form of a general Register of fines is prescribed, the object of which is to provide against the misappropriation, on the part of the Ministerial Officers, of moneys paid into Court ; but it is not intended to prevent the adoption of any additional checks, which the Officer presiding in the Court considers necessary. Due attention is to be paid to the entry in the Register of all fines immediately they are imposed, to the issuing of Purwannahs to the Nazir to realize the amount of such fines, and to the examination of the Register at the commencement of every month by the Head Clerk, Serishtadar, Nazir and Treasurer of the Court.—*C. O. No.* 4, *of vol.* 3, *Dec.* 15*th*, 1837 *W. P. January* 5*th*, 1838 *L. P.*

Register of fines.

Register of fines imposed and realized by the Magistrate of Zillah (or by the Judge of Zillah.)

Date,	No. of fine.	Names of persons fined.	On what account fined.	Amount of fine.	Amount realized.	Date.	Signature of Nazir	Signature of Treasurer.	Signature of Magistrate.	If not realized or if remitted, ground to be entered here.
				R	R.					
October 23rd,	206	Ramdhun.	Assault.	5	5	Oct. 23rd	D.E.	F.G.	ABC	
Ditto,	207	Shureeut.	Contumacy.	10	.	.....	...	...	...	Sent to jail for 10 days in lieu of fine.
Ditto,	208	Sheik Edu.	Affray.	50	50					
Ditto,	209	Tameezoodeen.	Neglect of duty.	25	25	.....	...	...	...	Fine re-paid having been remitted by the Superintendent of Police.

Abstract of Fines imposed during the month of ..	..		100
Realized,	..	..	50
Remitted,	..	...	30—80
Under realization by the Nazir,	...	..	20

Register of all fines to be kept up pending the realization of them.

3186. The following Register is to be kept up by the Magistrate of all fines imposed under Act XVI. 1850, (now sec 44, Act XXV. 1860) and the entry of each fine is to be made as soon as the order is passed. An abstract of this Register showing the items still unrealized, with explanations of the causes of delay in recovering the amount, is to be submitted to the Court with the Magistrate's Annual Criminal Report.

Year.	Number of case.	Name, caste, age, and residence of person fined.	Amount of fine.	Date of fine.	Name, age, caste, and residence of person to receive the fine.	Steps taken to recover the amount.	Remarks.

In the column of remarks are to be entered the date of recovery of any part of the fine, the amount recovered, and the source from which the amount realized was derived. The column will remain open until the whole amount of the fine has been recovered, or until it appears to be hopelessly irrecoverable, in which case an entry is to be made to show the date on which the case was struck off, and the reasons why its further continuance on the file may be considered useless.—*O. O. No.* 42, *April* 29*th*, 1857, *L P.*

Monthly statements of fines levied and realized in the Revenue and criminal Departments not to be furnished to the Accountant's office in future. Course to be adopted in lieu thereof.

3187. I have the honor to request that you will discontinue to furnish this Office with monthly Statements of Fines levied and realized in the Revenue and Criminal Departments; it having been decided, in communication with the Sudder Board of Revenue, and Court of Nizamut Adawlut, to adopt the following course, as being at once simple, effective, and not likely to involve unductrouble upon the Officers concerned.

1st. Each Department must keep its own details of fines levied and realized, and grant a receipt out of a book to be kept up in the accompanying Form, having a check margin annexed to each Form. The margin is to be simply a duplicate of the receipt.

2nd. This receipt signed by the Officer who imposed the fine, and countersigned by the Nazir must be produced before the Court competent to authorize the refund of the fine; and in the event of the refund being ordered, a note or abstract of the order must be inserted across the receipt under attestation of the presiding Officer.

3rd. On the receipt, thus enfaced, being produced before the Officer in whose Court the fine was imposed and recovered, the enfacement should be countersigned by him, and a transcript of it made under his attestation, on the check margin of the receipt. The enfaced receipt should then be returned to the party to enable him, on presentation thereof at the District Civil Treasury, to realize the amount of the authorized refund, the Treasury Officer requiring no other voucher for the payment than such enfaced receipt duly receipted on the reverse by the party who had originally paid the fine.

No refunds, made as above directed, will require to be supported by audited Bills.—*O. O. Accountant N. W. P. No.* 445, *June* 30*th*, 1860.

No. JUDICIAL.

Magistrate's Office,

Received from

the sum of Rs.

Being the amount of fine levied by order of Mr

Magistrate dated

Nazir Magistrate.

No. JUDICIAL.

Magistrate's Office

Received from

the sum of Rs.

Being the amount of fine levied by order of Mr.

Magistrate dated for

Nazir Magistrate.

3188. "We are of opinion that as a general rule, proceednigs which accompany precepts and returns "to precepts, should be strictly limited to matters of a judicial character, in connection with the case to "which such proceedings immediately refer, and that extra judicial matters should form the subject of separate correspondence. We desire that a rule to the above effect may be adopted by the Sudder Court, and circulated for the guidance of the District Authorities."—*Despatch from Court of Directors No.* 8, *17th June*, 1857, *contained in C. O. No.* 3, *March* 2, 1858 *W. P.*

Proceedings which accompany precepts and returns to precepts to be limited to Judicial matters only.

3189. It has become the practise in many of the Public Offices, in the several Presidencies, and at the seat of the Supreme Government, to print Official Letters and Papers instead of copying them in manuscript. 2. Persons seeing an Official document in print are apt to suppose that it has been published, and that they are at liberty to use it accordingly, or at any rate to be careless, whether its contents become generally known or not. This is a mistake. 3. Official Papers, whether printed or copied by hand, are of a confidential character, and are not to be published except by order of competent authority and under the prescribed rules. The same precautions are to be taken in either case against their publication, and in either case the infraction of the existing prohibition is equally culpable.—*Order of Govt. of India January* 11*th*, 1859.

Official papers whether printed or copied by the hand are of a confidential character and not to be published except by order of competent authority.

3190 The Right Hon'ble the Secretary of State for India has observed, in a recent Report by the Chairman of a projected Railway Company, a quotation from a letter from an Officer in the Public Works Department on the project in question. His Lordship observes, that this Officer was probably not aware of the use to which his letter whuld be applied; but it is very desirable that Officers in the service of Government, espicially those who are in a position which adds weight to their opinions should abstain from entering into a correspondence with the projectors of schemes which have been referred for the consideration of the Government of India, or from expressing in any way opinions which may be employed by the Directors of Companies in England, to gain the support of the public to their proposed undertakings. The Right Hon'ble the Secretary of State desires that these views may be promulgated and acted on by all Officers.—*C. O. Govt. of India No.* 499, *January* 28*th*, 1859.

Public Officers not to pass opinion about schemes referred to the Government of India.

3191. Contingent Bills to be submitted monthly and not quarterly.—*Order of Govt. of India No.* 3*G*, *August* 9*th*, 1862.

3192. I am directed to transmit for your information and guidance, the annexed copies of a letter, No. 2054, dated the 8th instant, from the Secretary to Government N. W P. and of its enclosures.—*C. O. No.* 21, *August* 18*th*, 1859, *W. P.*

I am directed by the Hon'ble the Lieutenant-Governor to forward the accompanying copy of a circular, addressed to Commissioners of Divisions, the Inspector General of Prisons, the Director of Public Instructions, and Commissioner of Customs, directing them to submit, in the forms furnished by the Chief Engineer, N. W. P., all projects which they wish to have executed in their respective circles, without the agency of the Department of Public Works, for inclusion in the annual Budget of the Public Works Department; and to intimate, that if any buildings in the Judicial Department should be required, other than those ordinarily executed by the Public Works Department, application must be submitted by the Court in

All projects for works without the agency of the Public Works Department to be submitted in prescribed forms.

A

Statement of Original Works likely to be in progress on the 1st May, 1860.

Description of Works.	Amount already authorized to be expended.	Actual expenditure to 31st December 1859.	Total probable expenditure up to 30th April 1860.	Proposed expenditure for the year 1860-61.	Sum required for completion.

B

Statement showing the Probable Expenditure on account of Minor, Petty and Emergent Works, during the year 1860-61.

Station	Section	Sub division	Minor Works, isolated works not exceeding Rs 10,000 each	Petty works not exceeding Rs. 1,000 each	Emergent works above Rs 1,000 each.	Remarks.
Bareilly.	Military	Accommodation for troops				

C

Statement showing the Probable Expenditure on Annual Special Repairs, during the year 1860-61.

Station.	Section.	Sub-Division.	Annual or current repairs.	Special Repairs.	Remarks.
Bareilly.	Military.	Commissariat.			

SECTION VIII.

OF PERIODICAL RETURNS AND STATEMENTS.

3193. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it, and also to frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it shall think necessary that a form should be provided, for keeping all books, entries, and accounts to be kept in such Courts, and for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts, and from time to time to alter any such rule or form. Provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force. Any rules framed by the Court under this Section shall be published in the Official Gazette.—*Act XXV.* 1861, *sec.* 443.

Sudder Court to make general rules for regulating proceedings &c.

3194. In accordance with Section 443 Act XXV. 1861, the Court of Nizamut Adawlut N. W. P. are pleased to prescribe the adoption, from 1st January 1862 of the accompanying new Forms of Criminal Statements under the Penal and Procedure Codes in the Courts of the Magistrates and Sessions Judges. 2nd. Magistrates will, in future, submit for the information of the Sessions Judge, *Monthly*, two statements *viz.* Nos. 2 and 5 of the *quarterly* series; and for the information of the Court, through the Sessions Judge *quarterly* and *annually*, eight statements as per Forms annexed. 3rd. Sessions Judges will submit to the Court *monthly*, the series of seven monthly statements; and *yearly*, the series of seven yearly statements as per forms annexed. 4th The Court's Circular Order No. 1421, 4th November 1842* and all other orders relating to the preparation and furnishing of Criminal Statements are hereby cancelled; and all other returns besides those now prescribed will be discontinued. 5th Judges and Magistrates will indent for the supply of the Statements now prescribed, in the same way as they have hitherto indented for the old Statements.—*C. O. No.* 2, *8th January* 1862, *W. P.*

New forms of Statements prescribed.

* Lower Provinces No. 98, 27th June 1842.

3196 No. II. Annual Statement of degrees of punishment inflicted by the Sessions Judge of Zillah for the year 186 .

Persons sentenced to																				Total amount of Fines.	
Transportation.			Imprisonment.									Find security		Enter into Recognizances to keep the peace.	Fine.					Applied in compensation under sec. 44 code of criminal Procedure.	
			From 14 to 7 years.			From 6 to 3 years.			Below 3 years.												
For life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	For good behaviour.	To keep the peace.		From Rs. 5000 to Rs. 1000.	Below Rs. 1000 to Rs. 500.	Below Rs. 500 to Rs. 200.	Below Rs. 200.	Imposed.	Realized.	Ordered.	Paid.
1	2	3	4	5	6	7	8	9	10	11	12	13	14.	15	16	17	18	19	20	21	22	23

Remarks to Statement No. I.
Ditto to Ditto No. II.
C. O. No. 2, January 18th, 1862 W. P.

3197. No. III. Annual Statement of appeals preferred to the Sessions Judge of Zillah for the year 186 .

District.	Office.	Name of Officer.	Appeals from convictions on trial and from orders under Chap. X. and XIX. Code of Criminal Procedure.										
			Pending at the close of.	Preferred during	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for re-investigation.	Pending at the close of	Longest number of days that any suit has been pending.	Explanation of entries in column 13.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Magistrate of District												
	Magistrate Ditto												
	Ditto												
	Total												
	Magistrate of District												
	Magistrate Ditto												
	Total												
	Grand Total.												

C. O. No. 2, January 18th, 1862 W. P.

3198. No. IV. Annual Statement of the Sessions Judge of Zillah for the year of the cases tried by Jury and by Assessors

Cases tried by Jury (sec. 322 Code of criminal Procedure) in which verdict was given.		Trials with the Aid of Assessors, (sec. 324 Code of Criminal Procedure) Classification of Assessors number of persons of each class so employed.							Cases in which the decision of the Sessions Judge.		Penalties imposed for non attendance as Jurors or Assessors.	
									Agreed.	Disagreed		
Unanimously.	By a legal Majority.	Pleaders.	Muhajuns.	Employed in service.	Ecclesiastics.	Agriculturists	All others not included in the above.	Total.	With the opinion of the majority of the Assessors.		Number of persons fined for non-attendance.	Amount of fines imposed.
1	2	3	4	5	6	7	8	9	10	11	12	13

C. O No. 2, January 18, 1862, W. P.

3199 No. V, Annual Statement of Criminal Trials and Judicial proceedings called for by the Sudder Court under Chap. XXIX, and on Appeal under Chap. XXX, of the Code of Criminal procedure from the Sessions Judge of Zillah for the year 186 .

Pending at the close of.		Called for and appealed during the		Total reviewed by Sudder Court.		Order confirmed.		Order modified.		Order reversed.		Returned for re-investigation.		Pending at the close of		Percentage. Orders confirmed.		Orders modified.		Orders reversed.	
Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

—*C. O. No. 2, January 18, 1862 W. P.*

3200 No VI Annual Statement of persons confined in the jails of the several Magistracies of Zillah on requisition of security for good conduct or to keep the peace on the 1st of January 186 .

Magistracy	Under orders of the	Persons confined on requisition of security for good conduct to keep the peace.							Persons confined on requisiton of security or recognizance to keep the peace.					Grand Total number of persons confined in jail in default of security or recognizance.
		For five years and upwards.	For four years and upwards	Three years & upwards	Two years and upwards.	One year and upwards.	For less than one year.	Total number in confinement	For three years and upwards	For two years and upwards	For one year and upwards	For less than one year	Total number in confinement	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Mynpoory	Sessions Judge, ...													
	Magt of the District ..													
	Magistrate Mr.													
	Do. Mr.													
	Do. Mr.													
	Total, ..													
Etawah.	Sessions Judge ...													
	Magt of the District, .													
	Magistrate Mr.													
	Do. Mr													
	Do. Mr													
	Grand Total,													

N. B —All persons are to be considered to have been continuously confined and shall be entered on this statement accordingly who, upon the expiry of the first term of their imprisonment in lieu of security, were not *bona fide* released and allowed to go to their homes unconfined.—*C. O. No 2, January 18, 1862 W P.*

3201. No. VII. Annual Statement of duration of Trials and Appeals in the Court of Sessions Judge of Zillah for the year 186 .

Trials of committed Cases.			Appeals.		
Total number of trials disposed of in the year .	Total number of days reckoning from the date fixed by the Magistrate for the trial to the date on which the warrant of the Sessions Judge issued or his reference was dispatched to the Sudder Court.	Average duration of each trial in days.	Total number of cases of appeal disposed of in the year	Total number of days reckoning from the date on which the appeal was prepared to that on which final orders were passed.	Average duration of each case of appeal in days.
1	2	3	4	5	6

C. O. No. 2, *January* 18, 1862. W. P.

3202. Monthly General Statement No. 1, of the Sessions Judge of Zillah for

Offence.		Under trial at close of		Committed to the Sessions during		Received from other quarters		Total number of persons under trial.	Disposed of				Died.	Escaped.	Transferred.	Under trial at the close of			
																	Persons.		
Section of Penal Code applicable.	Description.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		Commitment cancelled.	Referred to Sudder Court.	Convicted.	Acquitted.				Classes.	In custody.	On bail.	On Recognizance.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

ZILLAH,
The 186 . }

Sessions Judge.

C. O. No. 2, *January* 18, 1862 *W.* P.

Sessions Judge has no power to cancel commitments.

3203. The Court are pleased to transmit for the information and guidance of the Sessions Judges an extract of the Court's letter No. 1119, dated the 28th ultimo to the Judge of Futtehpore, relative to the power of a Sessions Judge to cancel commitments. I am directed to inform you that, as a Sessions Judge has, under the Code of Criminal Procedure, no power to cancel a commitment, the retention of a Column, with the heading 'commitments cancelled' in the new Form of monthly general statement of the Sessions Judge prepared by the Court was due to inadvertence.—C O. No. 24 August 23rd, 1862 W. P.

3204.

Monthly Statement No. II. of Degrees of Punishment inflicted by the Sessions Judge of Zillah for

Persons Sentenced to																			Total amount of fines.			
Transportation.			Imprisonment.									Find security.		Enter into Recognizance to keep the peace.	Fine.						Applied in compensation under sec. 44 Code of Criminal Procedure.	
			From 14 to 7 years.			From 6 to 3 years.			Below 3 years.													
For life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	For good behaviour.	To keep the peace.		From Rs. 5,000 to Rs. 100.	Below Rs. 1,000 to Rs. 500.	Below Rs. 500 to Rs. 200.	Below Rs. 200.	Imposed.	Realized.	Ordered.	Paid.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

Remarks to Statement No. I.

Do. to Do. No. II.

C. O. No. 2, January 18, 1862, *W. P.*

3205.

Monthly Statement No. III. of Appeals preferred to the Sessions Judge of Zillah for.

District.	Office.	Name of Officer.	Appeals from Convictions on trial and from orders under Chapters X. and XIX. Code of criminal Procedure.										
			Pending the close of	Preferred during the	Total	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for reinvestigation.	Pending at the close of the	Longest number of days that any suit has been pending.	Explanation of entries in column 13.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Magistrate of District, ... Magistrate, ... Do. ... Do. ... Do. ...												
	Total, ...												
	Magistrate of District, ... Magistrate, ... Do. ... Do. ...												
	Total, ...												
	Grand Total. ...												

C. O. No. 2, January 18, 1862, W. P.

3206.

Monthly Statement No. IV. of Prisoners punished and acquitted by the Sessions Judge of for the

Number of trial.	Name and Particulars of Prisoners.					Crime charged.		Crime established quoting section of Penal Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Penal Code applicable.	Crime, date of Perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
1	1	Roopram.	22	Jat,	H.	302	Murder of Musstt. Parbuttee his wife on the 3rd January 1861. Mr. H. Chase Officiating Magistrate. Committed 4, February 1861.	As charged 302.		Transportation for life 5, April 1861.	

N. B. In column I. The trials shall be numbered consecutively from No. 1, to the last in the order in which the trials were held (and concluded within the month) which were disposed of by the final order of the Sessions Judge. A new number to be begun in each month.

In column 2. Shall be entered the numbers of prisoners brought to trial in each case.

Do. Do. 5. If the prisoner be a female the word *female* shall be added (*exgr. Kurkmun Female*).

Do. Do. 6. The letter M. will mark a Mahomedan prisoner H. a Hindoo prisoner X a Christian prisoner.

Do. Do.12. The Remarks shall be brief and no abstract of the evidence given by each witness shall be given.

C. O. No. 2, January 18, 1862, *W. P.*

3207. Monthly Statement No. V. of sentences of death, referred for the confirmation of the Sudder Court by the Sessions Judge of Zillah for

Number of referred sentence.	Prisoners.			Crime of which prisoner is convicted by Sessisons Court with sections of Penal Code there to applicable.	Date of			Date of the Sudder Court's	
	Number	Name.	Caste.		Commitments.	Conclusion of trial.	Reference to the Sudder Court.	Receipt of the record.	Final order.
1	2	3	4	5	6	7	8	9	10

N. B. The number in column 1, should be the consecutive number of each death sentence referred for confirmation in each month beginning a fresh number every month.

The number in column 2 should be the number of Prisoners in respect to whom reference is made in each case.

Columns 9 and 10 will come blank from the Sessions Court and be filled up in the Sudder Court.

—*C. O. No. 2, January* 18, 1862 *W P.*

3208. Monthly Statement No. VI. of Criminal trials, and Judical Proceedings called for by the Sudder Court for Revision under Chapter XXIX. of the Code of Criminal Proceedure, and on appeal under Chapter XXX. of the same Code for Zillah for.

Number of Case called for	Prisoners.			Crime of which he has been convicted by the Sessions Court with Section of Penal Code thereto applicable.	For revision under Chapter XXIX. Code of Criminal Procedure.	On appeal under Chapter XXX. Code of Criminal Procedure.	Date of despatch of the case to the Sudder Court	Date of the Sudder Court's.	
	Number.	Name.	Caste.					Receipt of the record.	Final order.
1	2	3	4	5	6	7	8	9	10

N. B. The number in column 1, should be the consecutive number of each case called for during each month beginning at No. 1 at the commencement of each month.

In columns 2, 3 and 4, all the Prisoners, convicted in the trial should be marked. Those who may appeal being specially distinguished by the word "*Appellant*" being appended to his name written on red Ink.

Columns 9 and 10 will be left Blank by the Sessions Court Office, and will be filled in at the Sudder Court.—*C. O. No. 2, Jan.* 18, 1862 *W. P.*

3209 Monthly Statement No. VII. of Prisoners awaiting trial by Sessions Judge of Zillah for

Number of pending trial.	Prisoners.			Crime charged with Section of Penal Code thereto applicable.	Date of commitment.	Number of days during which the prisoners have been waiting trial.	Prisoners.		Date of decision if decided since the close of the month to which the statement refers.	Explanation of the delay by the Sessions Judge of cases pending for 30 days and upwards.
	Number.	Name.	Caste.				In custody.	On Bail.		
1	2	3	4	5	6	7	8	9	10	11

N. B. In column 1, the consecutive number of those trials pending at the close of the month will be given.—*C. O. No.* 2, *January* 18, 1862 *W. P.*

For 3210 see accompanying Fly Sheet.

Explanation to be submitted in Quarterly Statement whenever the number acquitted to convicted is large.

3211. The Court are pleased to prescribe that whenever the number of persons acquitted, to convicted, is disproportionately large, which is considered to be the case whenever it amounts to one half of the persons tried, a note in explanation of the cause thereof, be invariably submitted by the Magistrate with the Quarterly Returns.—*C. O. L. P. No.* 14 *May* 21*st*, *W. P. No.* 6 *April* 26*th*, 1862.

3212. Magistrates will observe that all persons apprehended or attending on summons, whether at the Thanah or the Magistrates' Court should be entered respectively in the Columns of "for disposals," "disposed of" or "undisposed of," as the case may be without any exception. Thus column 14 "acquited" will include persons released on bail by Police Officers who have been unconditionally liberated by order of the Magistrate, without their appearing before him: while those not so unconditionally liberated will appear in column 20 or 21 of the Statement.—*C. O. No.* 7, *May* 11*th*, 1862. *para.* 6.

3213 No. 2.

Monthly Quarterly, and Annual Statement exhibiting details of the Criminal Work, Original and appeal of the several Magisterial Officers of Zillah for the 186 .

Office.	Name of Officer.	Time during which he held Office.	Total number of persons for disposal see column 11 statement No. 1.				Person undisposed of at the close of						Cases.			
			Undisposed of at the close of.	Apprehended and attended on summons during the	Total.		In custody.	On bail, or recognizance.	Since the month of				Criminal Trials			Miscellaneous proceedings, Applications and Petitions of every description.
													Prepared for superior.	Finally disposed of	Pending.	Disposed of
1	2	3	4	5	6		10	11	12	13	14	15	16	17	18	19
Magistrate of the District,																
Magistrate, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Subordinate Magt. 1st Class,																
Ditto. ...																
Ditto, ...																
Ditto, 2nd Class, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Ditto, ...																
Total, ..																

Remarks to Statement No. 1.
Do. Do. Do. No. 2.
—*C O. No. 2, January 18th*, 1862 *and No 7, May 11th*, 1862, *W. P.*

Classification of persons acquitted.

No. 1 Quarterly and Annual General Statement of the Magistrate Col. 14.
No 2 Monthly, Quarterly and Annual Statement to the Magistrate Col. 9.

3214. The Court of Nizamut Adawlut are pleased to direct that a Memo shall be appended to the Magisterial Statements noted in the margin, distinguishing the persons acquitted, entered in those columns into the following 3 Classes *viz.*

1. Persons discharged by the Police without being sent to the Magistrate.

2. Persons discharged by the Magistrate without being placed on their defence, under Section 250, Criminal Procedure Code.

3. Persons acquitted after trial.

2. Similarly, persons under trial at the close of the quarter, or year, entered in columns 19,20, and 21 of the above Statement No. 1 and columns 10, and 11 of Statement No. 2 shall be distinguished in an appended Memo as follows:—

Statement No. 1 *Column* 19 ; *and Statement* 2 *Column* 10, *details required.*

1. Persons in custody of the Police not yet sent in. 2. Persons in Magistrate's custody.

Statement No. 1 *Columns* 20 *and* 21 ; *and Statement* 2 *columns* 11, *details required.*

1. Persons released by Police under Sec. 153, Criminal Procedure Code.

2. By order of Magistrate pending conclusion of trial.

3. The Court are further pleased to make the following modifications in the existing Rules for the preparations of the monthly statements submitted by Sessions Judges, No. IV. V, VI, and VII.

The number to be entered in column 1 should be the Calendar number of the case which under instructions, which will accompany a new form of Calendar about to be issued, should be, in each district, a consecutive number for the year, the series commencing on the 1st January and terminating on the 31st December of each year. The foot note relating to column 1, should be corrected accordingly.

4. When cases other than committed Calendar cases are entered in Statement VI ; the number which the case bears in the Judges Register will be entered in column 1.—*C. O. No.* 5, *April* 25*th*, 1862 *and No.* 1761, *Dec.* 3, 1862 *W. P.*

3215. No. 3 Quarterly and Annual Statement, exhibiting the degrees of Punishment inflicted by Magistrates and Subordinate Magistrates of Zillah for the 186 .

Name of Officer.	Persons sentenced to — Imprisonment for — 2 years & below. — Rigorous.	Simple.	With fine.	1 year & below. — Rigorous.	Simple.	With fine.	6 months & below. — Rigorous.	Simple.	With fine.	Fine of — 1000 Rupees and Below.	500 Rupees and Below.	200 Rupees and Below.	50 Rupees and Below.	Total amount of Fines. — Imposed.	Realized.	Applied in compensation under sec. 44 Code of Criminal Procedure. — Ordered.	Paid.	Persons sentenced to. — Find security. — 6 Cases laid before Sessions Court.	For good conduct and in default to be imprisoned for — One year.	Six months.	To keep the peace.	Enter into recognizance to keep the peace.	Dismissal from Office.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

—*C. O. No* 2, *January* 18, 1862, *W. P.*

3216. No. 4 Quarterly and Annual Statement exhibiting the attendance of witnesses in the Magistracy of Zillah for 186 .

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	NUMBER OF WITNESSES DISCHARGED AFTER.														
NAME AND DESIGNATION OF OFFICER.	1 Day	2 Days	3 Days	4 Days.	5 Days.	6 Days.	7 Days	8 Days.	9 to 15 Days.	16 to 23 Days.	24 to 30 Days.	More than 30 days.	Total.	Undischarged at the close of	Longest period any undischarged witness has been detained.

—*C. O. No.* 2, *Jany.* 18, 1862, *W. P.*

3217. Monthly, Quarterly and Annual Statement of Disputes relating to the possession of Land or Right of use of Land or Water for the Magistracy of Zillah for

1	2	3	4	5	6 Cases.	7	8	9	10
				Decided under Code of Criminal Procedure					
Name and Designation of Magistrate.	Pending at the close of	Instituted during	Total.	Sec. 318.	Sec. 319.	Sec. 320.	Total.	Pending at the close of	Pending beyond 3 months
Total, ...									

Remarks to Statement No. 3.
Do. to Do. No 4
Do. to Do. No 5.
C. O. No. 2, *Jany.* 18, 1862, *W P.*

3218 No. 6.

Quarterly and Annual Statement of appeals preferred to the Magistrate of Zillah for the 186 .

1	2	3	4	5	6	7	8	9	10	11	12
FROM THE ORDERS OF		Pending at the close.	Preferred during.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for re-investigation or revision.	Pending at the close of.	Date of oldest case pending.
Office.	Name of Officer.										
1st Class.											
Subordinate Magistrate.											
Ditto											
Ditto											
Ditto											
Ditto											
Ditto											
2nd Class.											
Subordinate Magistrate.											
Ditto											
Ditto											
Ditto											
Ditto											
Ditto											
Ditto											
Ditto											
Ditto											
	Total ...										

C. O. No. 2, January 18th, 1862, W. P.

3219 No. 7.

Quarterly and Annual statement of cases in which European British subjects are charged with offences for the Magistracy of Zilah for

Name and Designation of Magistrate.	Cases.							
	In which a European British subject has been arrested or held to Bail by a Magistrate not being Justice of the Peace under sec. 40 of the code of Criminal Procedure.	In which a European British subject has been subjected to preliminary enquiry before a Justice of the Peace under sec. 41 of the code of Criminal Procedure.				In which a European British subject has been tried under the jurisdiction maintained to Justice of the Peace under sec. 42 code of Criminal Procedure.		
		Persons.				Persons.		
		Released.	Committed for trial before Supreme Court.		Under investigation.	Acquitted.	Convicted.	Under Trial.
			In custody.	On Bail.				
1	2	3	4	5	6	7	8	9
Total								

C. O. No. 2, Jany. 18, 1862 W. P.

3220 No. 8

Statement of duration of cases for the Magistracy of during the

Name of Officer.	Number of cases decided within days as under.															Total number of cases.	Total number of days.	Average duration of each cases.	Explanation of cases pending above 45 days.
	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 to 15 days.	16 to 21 days.	25 to 30 days.	31 to 45 days.	46 to 60 days.	61 to 90 days.	91 to 120 days.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Total.																			

Remarks to statement No 6
Do to Do No. 7
Do to Do No. 8

C. O. No. 2, Jany. 18, 1862 W. P.

Monthly Vernacular Statement of persons under trial.

3221. In continuation of their Circular Order No. 2, dated 8th January last, the Court direct the adoption of the accompanying form of Vernacular Statement, (Appendix B.) of persons who have been under trial before the Magisterial authorities of each District during the month.—*C. O. No.* 7, *May* 11*th* 1862, *para.* 8, *W. P.*

To be submitted monthly.

3222. This return will set forth particulars of every person brought to trial before the Magistrates and should be submitted monthly to the Judge, by the Magistrates of the District.—*Ibid, para.* 9.

Judges to scrutinize them.

3223. Sessions Judges are expected to scrutinize these statements monthly, and to bring to the Magistrate's notice such irregularities in procedure, or illegalities in law as may be found to have occurred. —*Ibid, para.* 10.

3224. Monthly Vernacular Statement.

Of Persons who have been under trial before the Magisterial Authorities of the District of during the month of 186 .

1	2	3	4	5	6	7	8	9	10	10A	11	12	13	14	15	16	17	18
		Name and Particulars of Prisoners.					Crime Charged.				Disposed of.				Remaining under trial.			
											Discharged							
* Number of case.	Name of Prosecutor.	Number of each prisoner in each case.	Name.	Age.	Caste.	Religion.	Section of the Penal Code applicable.	Offence with date of Prisoner's arrest.	Date of Prosecutor's complaint.	Hour and date of delivery to Magistrate.	Without trial with date.	Acquitted after trial with date.	Convicted with date particulars of sentence.	Commitment to Sessions Court with date.	In Custody.	On Bail.	On recognizance.	Remarks.

* Number of case on the Magistrates' Register.

† M.—Mussulman.

H.—Hindoo.

X.—Christian.

—*C. O. No.* 7, *May* 11, 1862 *Appendix B. and C. O. No.* 25, *Augt.* 30, 1862, *W. P.*

Additional column in Vernacular Statement.

3225. With reference to paragraph 6 of the Government Circular No. 578 A, dated 23rd July last, in the Judicial Criminal Department, the Court are pleased to direct all Magistrates to insert, between columns 10 and 11 of the monthly Vernacular statement of persons who have been under trial before the Magisterial Authorities, given in appendix B to the Court's Circular Order No. 7, dated 11th May last, an additional column to be numbered 10 A and to be headed "hour and date of delivery to Magistrate."

2 This column will correspond with the entry in column 7 of the Police Vernacular Register referred to in paragraph 6 of the Government Circular.

3. In calculating the average duration of cases in which Police Agency may have been employed, Magistrates will be careful to conform to the instructions contained in paragraph 5 of Circular Order No. 7 dated 11th May before mentioned, by reckoning "from the date on which the case reached the Magistrate's Court," as entered in column 10 A, now prescribed. With this date ascertained the calculation can easily be made in each case with reference to the dates in columns 11 to 14 of the Vernacular statement.—*C. O. No.* 25, *Aug.* 30, 1862, *W. P.*

Statements that are to be continued or discontinued from the 1st Janv. 1862 in the L. P.

3226. In, continuation of Circular No. 18, dated the 12th instant, and with reference to the Penal Code, the Code of Criminal Procedure, and to the Report of the "Forms Committee" to the Government of Bengal, dated August 19th, 1861, I am directed to forward to you the accompanying lists A. and B. of the Forms and statements that are at present submitted to the Court and that are to be continued and discontinued respectively from January 1st 1862. I am also to point out to you any alterations that have been made in the Statements alluded to in the former list in consequence of the introduction of the Codes.—*C. O. No.* 19, *December* 31*st*, 1861 *para.* 1, *L. P.*

Lists of statements recommended by the Forms committee to be continued and discontinued.

Statement of Criminal Trials referred to the Nizamut Adawlut.

Statement of Criminal Trials called for by the Nizamut Adawlut.

3227. Copies of the lists of Statements recommended by the Forms Committee for retention and discontinuation are herewith forwarded, and you will perceive that the Statements noted in the margin have been retained by the Court, notwithstanding the opinion of the Committee, as it has on consideration been thought advisable and necessary to do so. The returns containing lists of Local Statements, Registers, &c., in use in the different Offices in the Mofussil, are now being gradually analysed, and uniform set will be eventually introduced throughout the Courts, but as there is an immence mass of such Statements &c., that vary in almost every District, this process will necessarily take up a great deal of time, which can only be devoted to the work at intervals. For the present, then, such Forms, Statements, and Registers as are now in use in and between your Court and those of your subordinates; and are not entered in the annexed list B, may be used as heretofore. But you should, of course, discontinue such of them as are not considered by the Forms Committee to be required.—*Ibid, para.* 2.

Specimens of forms.

3228. Specimens of the Forms in list A, are forwarded under a seperate cover; and your attention is particularly requested to the following explanations and remarks in reference to them. You will be so good as to indent, in the usual manner, for Forms similar to the specimens now forwarded to you and to use no others.—*Ibid, para.* 3.

Magistrate's Statements.

3229. Magistrate's Statements No. 1, (Quarterly and Annual).—Part 1 of this return has been altered. The descriptions of crimes that have hitherto been entered in Column 1, have not been inserted in the new Form, as most criminal offences appear under entirely new names in the Penal Code. The entries will, therefore, have to be made in your Office and will be regulated by the annexed schedule of offences. Such general specifications as include several offences of the same nature, but varied in degree and character, should have inserted opposite to them, the Section or Sections of the Penal Code applicable to them. Thus the general specification "6, Dacoity other cases," may include cases of (1). Simple Dacoity under Section 395. (2). Preparation to commit Dacoity, under Section 399. (3). Belonging to a gang of Dacoits under Section 400 and (4). Being one of a number assembled for the purpose of committing Dacoity under Section 402 and the entry would therefore be "6 Dacoity, other cases" Sections 395, 399, 400 and 405" or such of these Sections as are applicable to the cases that have occurred.

In all other respects this part is the same as the corresponding return now in use, except that another column (20) has been added to shew cases of recognizance.

Parts 2 to 8. The alterations are, that in part 3, the entry of item 5 should be regulated by section 152 of Act XXV. of 1861, instead of the old law and circular, which are thereby repealed, and also that a column (9 " Flogged") in part 6 is omitted.

Parts 9 and 10 of the old have been omitted in the new form, the former because the law (Act III. of 1841) the operation of which it is intended to shew has been repealed ; and the latter, because though the law (Act V. of 1841) the operation of which it is intended to exhibit, is still in force, a case under it is very rare, and it is enough to enter a case when it does occur under the General specification, No. 72, of the Schedule.

No. 2 (*Quarterly and Annually*) *part 1.* This return will now include a detailed specification or description first of all " attempts," and next, of the " other offences" not included in the specifications under the Penal Code, and Code of Criminal Procedure. Vide headings 70 and 71 of the Schedule.

Part 2 is the same as part 3 of the old form, and will show the attendence of witnesses.

Part 3 is the same as part 4 of the old form, and will exhibit the operation of Section 301 of the Criminal Procedure Code.

Part 4 is the same as part 6 of the old Form, and will contain details of cases of recognizance to keep the peace under sections 288 to 290 of the Criminal Procedure Code.

No. 3. (Quarterly and annual). This return corresponds with No. 4 of the Old Form, and will exhibit the operation of Sections 318 to 320 of the Criminal Procedure Code.

No. 4. (Quarterly and Annual). This return corresponds with No. 6 of the Old Form, and will contain an abstract of every description of Criminal business performed by Magisterial Authorities.

No. 5. (Quarterly and Annual). This return corresponds with No. 9 of the Old Form and will exhibit the appellate action of the Magistrate's Courts over his subordinates.

Remarks &c., Remarks and explanations will be made as heretofore on the back of the Magistrates returns No. 1 to 5, in the place headed "Remarks".

Memorandum of Officers employed. The Memorandum of Officer employed has been transferred from the commencement of No. 1, Part 1, to the place headed, "Remarks," and the Form altered.

No. 6. (Annual). This return is the same as No. 8 in the Old Form, and will show the duration of cases before the Magisterial Authorities.—*Ibid, para.* 4.

Sessions Statements.

3230. Sessions Statements No. 1, (Monthly and Annual) Part 1, this Form is the same in all respects as the corresponding one hitherto in use, except that an additional column (25) is added to distinguish cases of recognizance from the other pending cases at the end of the period to which the return may relate ; and the entries in column 1, will as in Part 1, of the Magistrates Statement No. 1, be regulated by the annexed Schedule of offences.

Parts 2 and 3 are also slightly altered to suit the altered state of the law, and are intended to exhibit respectively details of pending cases and of the sentences passed by the Sessions Court.

No. 2. (Monthly and Annual). This return is the same in all respects as the corresponding Form No. 5, hitherto in use, and is an abstract of No. 1, Part 1.

The information supplied in the latter (now discontinued) covering the Sessions Monthly returns should be acurately noted in the Memorandum ; at the side of Sessions Statement No. 2 a line being drawn through the denominations of the Statements that are not submitted. Care should also be taken to make the number of days in the first part of the Memorandum, correspond with the number shewn in Memorandum D, of the Civil Statement No. 1, Part 1.

No. 3. (Monthly and Annual). This return corresponds with the present Form of Statement No. 4, except that the portion intended for the entry of appeals against orders in cases of dispossession is omitted. (these orders being under the new Law Final ;) and is intended to show the appellate action of the Session Court over the Magisterial Courts of the District. In filling up this return, both the name and Official designation of each and every Officer concerned should be given in column 2, and the

greatest number of days for which any undecided appeal has been pending should be invariably stated in columns 10, and 18, instead of leaving them blank, as some Officers are in the habit of doing.

You will observe that a line has been drawn across the middle of the Statement for a total. This is intended to provide for a second District when there are two under the Session Judge, but where there is only one, the centre total line and the grand total one, at the bottom should be struck out.

No. 4. to 8 (Monthly). These Statement correspond with Nos. 6 to 10 of the Forms in use, and are detailed below.

No. 4. Statement of prisoners punished without reference to the Nizamut Adawlut.

No. 5. Register of Criminal Trials referred to the Nizamut Adawlut.

No. 6. Statement of prisoners acquitted by the Sessions Judge.

No. 7. Register of Criminal Trials called for by the Nizamut Adawlut.

No. 8. Calender of Trials postponed.

No. 4 and 6 should contain a brief account or narrative of the offence, the finding of the Jury, a short summary of the grounds of conviction, and the reasons which may influence, the measure of punishment to be awarded; all lengthly expositions of the evidence being avoided. At present some of the Sessions Judges record the entire evidence at great length in the old returns Nos. 6 and 8 (corresponding with the number 4 and 6 now alluded to), which is quite unnecessary.

No. 8. Is a very important return; and particular care should be taken to supply in it every information it is intended to exhibit by filling up every column. At present very few Sessions Judges, and other Judicial Authorities in a similar position, fill up this return correctly and completely, though the only columns in which there is the least difficulty in doing it, are those showing the dates proposed by the Magistrate and fixed by the Session Judge for Trial; and this difficulty only exsist when the Trial is not to be held at the head quarters of the Sessions Judge but on the next occasion that the latter Authority goes on circuit to out stations. In such cases, the Session Judge will nevertheless be so good as to fix, as nearly as possible, the dates on which the Trials will take place as it is necessary that the Sudder Court should be enabled to see whether Sessions are held with regularity and at moderate intervals.

No. 9. (Annual.) This return corresponds with the present return No. 12 and is intended to show the duration of cases in the Sessions Court.—*Ibid, para.* 5.

3231. In continuation of Circular No. 19, dated 31st December last, I am directed to request that you will have the goodness to substitute in the headings of Statement No. 6, the words 'offences declared to be non bailable by the Schedule attached to Act XXV. of 1861," for the words "Heinous offences" and "Heinous cases," and the words "offences declared to be bailable by the Schedule attached to Act XX." of 1861 for the words "Petty offences" and "Petty cases" wherever the same may occur.—*C. O. No.* 15, *May 26th*, 1862 *L. P.*

3232. General Remarks.—The statement showing the work of Officers when more than one Officer presides in any Court during the period to which the returns relates, the name and work of each should be invariably given, with the dates, separately and distinctly; and similarly when an Office has been vacant during any portion of the period, the fact should be stated, with the dates, in a marginal note. When only one Officer presides his name should nevertheless be invariably entered in addition to his Official designation, and the name of the Station where he is employed.—*C. O. No.* 19, *Dec.* 31*st* 1861, *para.* 6, *L. P.*

If more than one Officer presides in any Court during the period to which returns relate the work of each to be given separately.

3233. It is of great importance to the supervising authorities that the returns of the subordinate Courts should be both accurately prepared and punctually submitted by the appointed dates. You are, therefore, requested to assist the Court in the performance of their duty by attending carefully to these points, and thus prevent the necessity for constant references either as regards errors or delay in the submission of the different Statement.—*Ibid, para.* 7.

Returns to be accurately prepared and punctually submitted.

3234. The most ordinary attention to his duty, on the part of a Head Clerk of an Office, will ensure that the number of cases brought forward in a statement submitted shall correspond with the number shewn to be pending in the previous one or if a discrepancy is unavoidable, that the cause of it shall

Ordinary attention of head clerk will ensure accuracy Discrepancies

to be explained in marginal or foot notes.

Dates fixed for receipt of Statements by Nizamut Adawlut.

The monthly and quarterly Statements on the 15 of the month following the month or quarter to which they relate.

The annual Ditto on the 31st of January of the year following that to which they relate.

Session Judge to time the despatch of his Statements accordingly and to fix dates for receipt of returns of subordinates in his Office.

be explained in a foot or marginal note; and yet references, on such points as these, are constantly necessary.—*Ibid, para.* 8.

3235. The dates on which the different Statements should be received in the Register's Office are noted in the margin* though later dates are always accepted in the case of distant Provinces such as Assam, Tennaserim, and Martaban, and also, in moderation, as regards the out laying District in Regulation Provinces. The Court are willing to make an allowance for delay in the first introduction of a new Statement, as the return of Statements, to subordinates for correction cannot, under such circumstances, be avoided; but after the Statements for one period has been submitted, excuses for errors and omissions will not easily be accepted. The Sessions Judge should fix on a date for the despatch of Statements from his Office which will ensure their reaching the presidency by the appointed date; he should also fix on another date for the receipt in his Office of the returns of his subordinates in such time as will enable him to make his despatch on the appointed day; and he should invariably report in a note in the Statement every instance in which the return of a subordinate has not been received by him in time, or has been returned for correction. Allowance will again be made if, for instance, there is delay in the actual course of transmission of a Statement from an out station; and for this purpose, the date of despatch should be carefully noted by the subordinate Authorities, who should invariably submit an explanation whenever it is evident that their returns will not be in time. But they must distinctly understand, that no execuse will be accepted if a Statement is retained in the Office of a subordinate Court beyond the 1st of the month succeeding the period to which the Statement refers, as a whole day is quite sufficient for its preparation, if it is, as it ought to be, more than half prepared before the close of that period.—*Ibid, para.* 9.

Instances of carelessness or unpunctually will be noted and reported.

3236. After this notice every instance of carelessness or unpunctuallity, will be duly noted in this Office, and if the instances are serious or frequent, it will be the duty of the Court to bring the matter to the notice of the Lieutenant-Governor.—*Ibid, para.* 10.

3237. List of Statements to be retained.

Criminal

SESSON JUDGES.

1. Statement of persons brought to trial, convicted &c., and of appeals preferred from the orders of the Magisterial Authorities Nos. 1, 2 and 3.	Monthly and Annual.
2. Abstract Statement of prisoners punished without reference to the Nizamut Adawlut No. 6, now No. 4.	Monthly.
3. Register of Criminal Trials referred to the Nizamut Adawlut No. 7, now No. 5.	Monthly.
4. Abstract Statement of prisoners acquitted by the Session Judge No. 8, now No. 6.	Monthly.
5. Register of Criminal Trials called for by the Nizamut Adawlut No. 9 now No. 7.	Monthly.
6. Calender of Trials postponed by the Sessions Judges No. 10, now No. 8.	Monthly.
7. Statement of the average duration of cases in the Sessions Court No. 12, now No. 9.	Annual.

MAGISTRATE.

8. Statement showing the number of crimes committed and the number of persons under Trial, convicted, &c., by the Magisterial Authorities No. 1, and 5.	Quarterly and Annual.
9. Statement of the average duration of cases before the Magisterial Authorities No. 8, now No. 6.	Annual
10. Statement of the Criminal files (vide para. 9 of C. O. No. 11 of 1st December 1854) No. 1.	Monthly.
11. Statement of the average duration of cases referred to the Nizamut Adawlut No. 11, now No. 2.	Annual,

12 Statement showing the number of persons apprehended and brought to Trial and the result of the Proceedings No. 13, now No. 3. — *C. O. No.* 19, *Dec.* 31*st*, 1861 *Schedule A. L. P.* { Ditto.

3238. List of Statements &c., to be discontinued.

1. Statement of persons confined in the Jail on requisition of security for good conduct. { Annual.

2. Statement of persons brought to Trial, convicted, &c. { Annual.

3. Letter reporting Sessions operations.—*Ibid, Schedule, B. L. P.* { Monthly.

3239 Schedule of offences under Acts XLV. of 1860 and XXV. of 1861.

Number.	Description of offences.	Sections of Penal Code applicable.
1	Murder	Sec. 302 and 303
2	Culpable Homicide	„ 304
3	Thuggee, &c.	„ 311
4	Dacoity. With Murder	„ 396
5	Dacoity. With attempt to cause death or grievous hurt	„ 397
6	Dacoity. Other cases	„ 395, 399, 400 and 402
7	Robbery. With hurt	„ 394
8	Robbery. Other cases	„ 392
9	Theft. With aggravating circumstances	„ 382
10	Theft. Other cases	„ 379 to 381 & 401
11	Offences against the State	„ 121 to 130
12	Offences relating to the Army and Navy	„ 131 to 140
13	Extortion. With aggravating circumstances	„ 386 to 389
14	Extortion. Other cases	„ 384 and 385
15	Offences relating to coin	„ 231 to 254
16	Offences relating to Stamps	„ 255 to 268
17	Abetment of Suicide	„ 305 and 306
18	Forgery or uttering or possessing forged documents or papers	„ 465 to 471 & 474
19	Counterfeiting or making or possessing a counterfeit seal, &c , for purposes of forgery	„ 472 to 476
20	Rape	„ 376
21	Unnatural offences...	„ 377
22	Causing miscarriage. Attended with aggravating circumstances	„ 312 to 315
23	Causing miscarriage. Other cases	„ 312
24	Injury to unborn Children	„ 316
25	Exposure of Infants	„ 317
26	Concealment of birth by secret disposal of the dead body	„ 318
27	Criminal breach of trust	„ 406 to 409
28	Receiving or habitually dealing in stolen or plundered property. ...	„ 411 to 414
29	Kidnapping or forcible abduction. With aggravating circumstances	„ 364. 366, 367
30	Kidnapping or forcible abduction. Other cases	„ 363, 365, 368, 369
31	Slavery	„ 370 and 371
32	Buying or selling a minor for the purpose of prostitution	„ 372 and 373
33	Forced labor	„ 374

Number	Description of offences		Sections of Penal Code applicable.
34	Hurt.	With aggravating circumstances	Sec. 325 to 331 & 333
35		Other cases	„ 323, 324 332 and 334 to 338
36	False evidence, or subornation, &c. of the same		„ 193 to 200
37	Mischief.	With aggravating circumstances	„ 429 to 433 & 435 to 440
38		Other cases.	„ 426 to 428 &434,
39		Resulting in death or other grievous hurt ..	„ 459 and 460
40	Criminal Trespass.	For commission of serious offences	„ 449, 450,452,45 5 457 and 458
41		Other cases.	„ 447,448, 451,453 454, 456, 461 and 462
42	Offences against public tranquility.	Unlawfull assembly	„ 143 to 145,149 to 151, 157, 158
43		Rioting &c.	„ 147, 148, 152 and 153 to 156
44		Affray.	„ 160
45	Crminal Force or assault.		„ 352 to 358
46	Wrongful confinement.		„ 342 to 348
47	Wrongful restraint		„ 341
48	Fraudulent deeds and disposition of property.		„ 421 to 424
49.	Offences againt public justice		„ 201 to 229
50	Contempt of lawful authority.		„ 172 to 190
51	Offences.	By public servants	„ 161 to 169
52		Relating to public servants.	„ 161, 170 and 171
53	Criminal misappropriation of property.		„ 403 and 404
54	Cheating.		„ 417 to 420
55	Offences relating to weights & measures.		„ 264 to 267
56	Using a false trade or property mark, and knowingly selling property so marked.		„ 482,486 487,488
57	Counterfeiting or making or possessing a die, plate, or instrument, for counterfeiting a trade or property mark.		„ 483 to 485
58	Fraudulently destroying or defacing a will or other documents,— ..		„ 477
59	Removing, destroying &c a trade or property mark with intent to cause injury		„ 489
60	Criminal breach of contract of service.		„ 490 to 492
61	Offences relating to marriage.		„ 493 to 498
62	Defamation. . .. - .. .		„ 500 to 502
63	Offences relating to religion.		„ 295 to 298
64	Offences affecting. public health...		„ 269 to 278
65	Offences affecting safety		„ 279 to 289
66	Offences affecting convenience.		„ 290 and 291
67	Offences affecting decency or morals.		„ 292 to 294
68	Criminal intimidation, insult, or annoyance.	Resulting in death or other grevous hurt ..	„ 506
69		other cases.	504 to 510
70	Attempts.		
71	Other offences not included in the above specification such as :—		

Number.	Description of offence.	Sections of Penal Code applicable
1.	Abkaree laws breach of	
2.	Aliens, breach of laws relating to.	
3.	Chowkeedaree cases under Regulation XXII of 1816 and Act XV. of 1837	
4.	Customs laws breach of	
5.	Ferry laws breach of	
6.	Lotteries, breach of law relating to	
7.	Post Office laws, breach of	
8.	Printing Presses, breach of law relating to	
9.	Railway laws, breach of	
10.	Salt laws, breach of	

—*C. O. No.* 19, *Dec.* 31*st* 1862, *L. P.*

Statements of cases under Act 4 of 1840 to be discontinued.

3240. Act IV of 1840, having been repealed by the new Code of Criminal Procedure, I am directed to state that the Government no longer requires the submission of the monthly statements of suits tried under that law, The Court therefore direct the discontinuance of these statements, but they will hold you strictly responsible for supervising the work of the several Magisterial Officers subordinate to you, and taking care that no delay occurs in deciding cases under chapter 22 of the Code of Criminal Procedure. —*C. O. No.* 19, *June* 14. 1862, *L. P.*

Sessions Judges to forward Office copy of Statement No. 4 for inspection of their Subordinate Magistrates of Districts

Where there are more than one such Officer under a Session Judge one Magistrate to send it to another.

Magistrates to bring to notice of their subordinates the Judges strictures about them.

3241. In modification of their Circular Order No 1507, dated 28th November 1853, the Court of Nizamut Adawlut are pleased to direct all Sessions Judges, as soon as they have despatched their monthly criminal statements to the Court, to forward the Office copy of statement No. 4, of "prisoners punished and acquitted," for the inspection of the Magistrates of the Districts under their control.

2*nd*. In cases where there may be one or more Magisterial Districts under the superintendence of one Sessions Judge, the statement should be forwarded by the Magistrate of one District to that of another, in the order directed by the Sessions Judge to whom the statement should in all cases be eventually returned with as little delay as possible.

3*rd*. Magistrates of Districts are required to bring to the notice of their subordinates any strictures which the Sessions Judge may have thought fit to record on their conduct of the preliminary enquiry in any of the cases entered in the statementreferred to.—*C. O No.* 22, *Aug*, 13, 1862, *W. P.*

Form of Annual Report.

3242. The Court are pleased to cancel their C. O. No. 9. Oct. 16th, 1861, and to prescribe the adoption of the accompanying Form of annual Criminal Report, in lieu of the Form formerly prescribed for the Sessions Judges of these Provinces. 2. Magistrates of Districts will adopt the same Form, *mutatis mutandis*, in submitting their annual Reports and statements to the Sessions Judge ; and they should notice briefly in these Reports any points of the Judicial Administration of the year under review, on which they may wish to make any observations When there are two or more Magisterial Districts under the supervision of one Sessions Judge, the returns of each District should be reviewed separately. 3. District Officers should cause their statements to be brought up monthly, and the total for 11 months to be prepared in the beginning of December of each year, leaving only the totals of that month to be added on the completion of the year. By the adoption of this course, Magistrates of Districts will find no difficulty in completing the preparation of their statements by the 7th January ; and their Reports should reach the Session Judge on, or before the 10th of the same month. 4 In preparing their Reports, Sessions Judges should always leave *half* of the page clear margin, to allow the necessary space for the notes and remarks of the Court ; and these Reports should be despatched so as to reach the Court by the 15th January of each year. Great care should be taken in the calculation of the percentages required to be given ; and such calculations should invariably be checked by the Magistrate or one of his subordinates and afterwards by the Session Judge himself.—*C. O. No.* 31, *Novr.* 25*th*, 1862, *W. P.*

FORM OF ANNUAL CRIMINAL REPORT.

No. of 186 .

Dated the 186

To

Register of the Nizamut Adawlut,
North Western Provinces.

SIR,

With reference to the Court's Circular Order No. 31, dated 25th November 1862, I have the honor to submit the Annual Criminal Statements of this District, (or " the Districts under my control" as the case may be) for the past year, together with a Report drawn up in the Form therein prescribed.

2. The Office of Magistrate of (Here enter the name of the Magisterial District) was held by Mr. during the year.

3. The following Memorandum shews the total number of persons under trial during the year, and the mode in which they were disposed of, as compared with similar returns for the previous year :—

Description of offences.	Total number of persons for disposal during the year Statement 1 column 11.	Total number of persons whose cases were disposed of by the Magisterial authorities. statement 1, columns 12, 13, 14.	Number of persons undisposed of at the close of the year statement 1 cols. 19, 20, 21.	Number of persons whose cases have been pending above three months.	Number of persons whose cases were disposed of by the Magisterial Authorities.		Percentage of persons convicted and committed, to those whose cases were disposed of
					Convicted including committed.	Acquitted.	
1	2	3	4	5	6	7	8
Not bailable, as shewn in Annual statement No 1. ..							
Bailable as shewn in Ditto,							
Total ..							
Total of previous year, ...							
Increase, ..							
Decrease, ..							

Detail of acquitted persons, as entered in column No. 7.

A. Discharged by the Police without being brought before a Magistrate.

B. Discharged by the Magistrate, without being regularly put on their trial under Section 250 of the Criminal Procedure Code.

C. Acquitted after Trial.

Of the———persons whose cases were undisposed of at the close of the year,———were detained in custody, i e———by the Police, and———by the Magistrates.

(*Note*—Here record remarks explanatory of the above Statement, *e g.* the causes of any discrepancy observable between the general results of the two years under comparison, or of the out-turn of work being less in the year under report than in the previous one ; of the number of persons undisposed of at the close of the year, or of persons whose cases had been pending above three months, being apparently excessive ; with explanation of any discrepancy observable in the proportion of persons convicted and committed, to those acquitted, &c. &c.)

4. The following Statement shews the details of the Criminal Work, original and appeal, of the several Magisterial Officers employed in the District, during the past year.

Office.	Name of Officer.	Time during which he held Office.	Total number of persons for disposal as per column 11, Statement No. 1.			Number of Persons.			Persons undisposed of at the close of the year.						Cases.				
			Undisposed of at close of the year.	Apprehended and attended on summons during the year.	Total.	Committed.	Convicted.	Acquitted.	In custody.	On bail or recognizance.	Since the month of.				Criminale Trials. Prepared for superior.	Disposed of.	Pending.	Miscellaneous proceedings, applications and petitions of every description disposed of
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Magistrate of District, ..																		
Joint Ditto,																		
Assistant Ditto, ..																		
&c. &c., ...																		
	Total,																	
Total of previous year. ..																		

REMARKS.

5. The following Return exhibits the degrees of punishment inflicted by the Magistrates and subordinate Magistrates, during the year under review.

Name of Officer.	Persons sentenced to Imprisonment for 2 years and below.			1 year & below.			6 months and below.			Fine of				Total amount of Fines.				Persons sentenced to. Find security.					Dismissed from Office.
																Applied in compensation under sec, 44 C, P. C.			For good conduct and in default to be imprisoned for.				
	Rigorous.	Simple.	With fine.	Regorous.	Simple.	With fine.	Regorous.	Simple.	With fine.	Rs, 1000 and below.	Rs, 500 and below.	Rs, 200 and below.	Rs, 50 and below.	Imposed.	Realized.	Ordered.	Paid.	Cases laid before Sessions Judge.	One year.	Six months.	To keep the peace.	Enter into recognizance to keep the peace.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Magt. of District.																							
Joint Magt. ditto,																							
Assistant do. do.																							
&c. &c. &c.																							
Total,.....																							

(REMARKS.)

6. The following General Statement shews the results of the appeals preferred to the Session Judge, from the orders of the Magisterial Authorities.

Number of Appeals.	Rejected.	Order confirmed.	Modified or reversed.	Percentage of orders modified and reversed to Appeals tried.

(REMARKS.)

7. The general results of commitments made to the Sessions Court, were as follows.

How disposed of	Cases.	Persons.	Percentage of persons convicted, to those disposed of
* Convicted.			
Acquitted.			
Total, ...			

(REMARKS.)

8. The following memorandum exhibits the number of cases involving disputes relating to the possession of land, or right of use of land or water, in this Magistracy, during the past year :—

Name and Designation of Magistrate.	Cases under chapter 22 of the code of Criminal Procedure.								
	Pending at the close of past year.	Instituted during year.	Total.	Decided under code of Criminal Procedure.				Pending at the close of	Pending beyond 3 months.
				Section 318.	Section 319.	Section 320.	Total.		

(REMARKS)

9. The Diary of the attendance of witnesses shews the following results, as compared with those of the previous year :—

District.	Year.	Number of witness discharged after.				Percentage of witnesses discharged after.			
		1 Day.	2 Days.	3 Days.	More than 3 Days.	1 Day.	2 Days.	3 Days.	More than 3 Days.
	(Year under review) ..								
	(Previous year.) ..								

(REMARKS.)

* Among convicted must be calcuated cases referred by the Sessions Judge for the confirmation of the Nizamut Adawlut.

10. The average duration of cases in the Courts of the Magistrate of the District and his subordinates is, exhibited in the following memorandum :—

Year.	Average duration of cases in the Magisterial Courts.
	Days.
(Year under review,) ...	
(Previous year,) ...	

(REMARKS.)

(Note.—Calculation will be made in cases in which Police Agency is employed, from the date of the arrival of the case at the Magistrate's Court, and in others, from the date of complaint.)

11. The result of the appeals from the orders of the Assistants, preferred to the Magistrate was as follows :—

Name and Designation of Officers.	Number of appeals preferred, inclusive of those pending at the close of past year.	Rejected.	Confirmed.	Reversed.	Percentage of reversals to appeals tried.
Total, ..					

(REMARKS)

12. Mr. , the Magistrate of the District, has made mention of the Officers subordinate to him, in the following terms :—

(Here quote Magistrate of District's remarks, regarding his subordinates, not below the grade of Deputy Magistrate.)

13. The Detailed results of appeals, and commitments to the Sessions Court, are shews in the following two Statements :—

1 APPEALS.

Name and Designation of Officer.	Total number of cases decided.	Number of cases appealed.	Number of Appeals decided.	Rejected.	Confirmed.	Reversed.	Percentage.		
							Of appeals to Decision.	Of reversals to cases decided.	Of reversals to appeals decided.
1	2	3	4	5	6	7	8	9	10
Total, ..									

(REMARKS.)

(Note —The results should be recorded separately for each Judicial Officer, not for each particular class of Officer.)

II. Commitments.

Name & Designation of Officer.	Committed including cases pending at close of last year.		Deduct cases pending trial at close of year under review.		Remain cases disposed of during the year.		Persons disposed of				Percentage of persons convicted (column 9) to total No. disposed of (column 7)
							Convicted.		Acquitted.		
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	
1	2	3	4	5	6	7	8	9	10	11	12
Total, ..											

(REMARKS)

(*Note*) Here also Officers should have their results recorded individually.

14. The following sums were ordered to be paid in compensation for loss or Damage caused, under section 44 of the Criminal Precedure Code.—

Court.	Amount of fine ordered to be paid in compensation.	Amount of fine realized and paid in compensation.	Percentage of sum realized and paid to fine in column 2.
1	2	3	4
Magisterial Court,			
Sessions Judge's Court, ..			
Total, ..			

(REMARKS.)

15. Here should follow, notice of any Points of Judicial administration which may call for special remarks; or of subjects, reference to which may have been prescribed in any of the Courts Circular Letters during the year.)

16 In regard to the several Magisterial Authorities, I have to report &c. (Here give the opinion of the Sessions Judge)

[1] Including persons whose cases were referred for the confirmation of the Nizamut Adawlut.

17. Mr was Sessions Judge during the year, and was engaged days in the discharge of Criminal Duties. Out of commitments, and appeals for trial during the year he decided of the former, and of the latter, leaving at the close of it commitments, and appeals under trial.

The amount of business thus disposed of is shewn in the following Table :—

Name and Designation of Officers	Commitments.								Appeals.					Percentage of reversals to appeals tried.
	Convicted and sentenced.		Sentenced to death and referred for confirmation.		Acquitted.		Total		Cases.					
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Instituted including pending.	Rejected.	Confirmed.	Modified	Reversed.	

(REMARKS)

(*Note.*—When two or more Officers have officiated as Sessions Judge during the year, separate details should be given for each Officer.)

18 The following Statement shews the degrees of punishment inflicted by the Sessions Judge, during the past year :—

Transportation.			Persons sentenced to.																			Total amount of Fines.			
			Imprisonment.											Find security.			Fine.							Applied in compensation under Section 44, Code of Criminal Procedure.	
			From 14 to 7 years.			From 7 to 3 years			Below 3 years.																
For Life.	For 14 years and above	For 7 years and above	Rigorous	Simple	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace	From Rs 5,000 to Rs 1,000.	Below Rs 1,000 to Rs 500.	Below Rs 500 to Rs. 200.	Below Rs 200.	Imposed	Realized.	Ordered	Paid.			

(REMARKS)

19 The subjoined Statement shews the particulars of trials held by the Sessions Judge, during the year, with the aid of a Jury or Assessors —

Cases tried by Jury under Section 322, Code of Criminal Procedure, in which verdict was given		Trials with the aid of Assessors (Section 324, Code of Criminal Procedure)									Penalties imposed for non-attendance as jurors or assessors	
		Classification of assessors, number of persons of each class so employed							Cases in which the decision of the Sessions Judge			
									Agreed	Disagreed		
Unanimously.	By a Legal Majority	Pleaders	Mahajuns	Employed in service	Ecclesiastics	Agriculturists	All others not included in the above	Total	With the opinion of the Majority of the assessors		Number of persons fined for non attendance	Amount of fines imposed
1	2	3	4	5	6	7	8	9	10		11	12

(REMARKS)

20 The following Statement exhibits the duration of trials and appeals in the Court of the Sessions Judge, during the year under Report —

Trials of Committed cases				Appeals	
Total number of Trials disposed of in the year	Total number of days reckoning from the date fixed by the Magistrate for the trial, to the date on which the warrant of the Sessions Judges issued or his reference was despatched to the Sudder Court	Average duration of each trial in days	Total number of cases of appeal disposed of in the year	Total number of days reckoning from the date on which the appeal was preferred to that on which final orders were passed	Average duration of each case of appeal in days
1	2	3	4	5	6

(REMARKS)

I have the honor to be,
Sir,
Your most obedient servant,
A B
Sessions Judge or Magistrate as the case may be

SECTION IX.

OF STATIONERY.

3243. The following rules, sanctioned by the Government of Bengal in a Notification dated 9th Ultimo, for the guidance of the Superintendent of Stationery and of all public Officers who are authorized to indent upon the Government Stationery Office, are to be held applicable to the North Western Provinces, and are re-published for general information.—*Order Govt. N. W. P. No.* 2136*A*, *August* 14*th*, 1862.

Rules for guidance of Superintendent Stationery made applicable to N. W. P.

3244. The Superintendent of Stationery, under the general supervision of the Board of Revenue for the Lower Provinces, has the entire charge and management of the Stationery Office.—*Govt. Order July* 9, 1862, *Rule* 1, *L. P.*

Management vested in Superintendent.

3245. The Superintendent, with the approval of the Board, enters into contracts for the supply of Stationery to this store. All articles not included in the contracts which it may be necessary to procure are purchased by the Superintendent at his own discretion, and he is responsible for the quality of such articles.—*Ibid, Rule* 2.

Contracts and purchase of Stationery.

3246. To enable the Superintendent to make purchases he is supplied monthly, on application to the Accountant General, with letters of credit on the Bank of Bengal. He submits monthly, for the Board's audit, a statement of his expenditure, together with the bills of purchase.—*Ibid, Rule* 3.

Letters of credit.

3247. The Superintendent is responsible for the due care and preservation of the Stationery stores. He is allowed a Storekeeper and Deputy Storekeeper or Packer, from whom he may require security for his own protection, to the extent of Rupees 20,000 from the former, and Rupees 2000, from the latter.—*Ibid, Rule* 4.

Care and preservation of Store.

3248. The Superintendent corresponds directly with all Officers who receive supplies from the Stationery Office. But Circular Letters containing general instructions are submitted for the Board's approval previous to issue. All differences which may arise between the Superintendent and Indenting Officers are referred for the decision of the Board.—*Ibid, Rule* 5.

Correspondence.
Circular letters containing general instructions.
Differences between Superintendent and Indenting Officers to be referred to the Board.

3249. The Indents from public Officers upon the Stationery Office are to be drawn out by Indenting Officers, and supplied by the Superintendent according to the scale approved by Government and in conformity with the following Rules.—*Ibid, Rule* 6.

Indents.

3250. The follwing Officers are authorized to indent upon the Government Stationery Office :—

Officers authorized to Indent upon the Stationery Office.

All Officers incharge of independent Offices where appointments are published in Government Gazette. Also the following Officers of the Supreme Court :—

Administrator General :—Master and Registrar :—Clerk of the Crown and Prothonotary :—Sworn Clerk :—Receiver :—Chief Interpreter :—Clerk to the Judges :—Crier :—Coroner :—Taxing Officer :—Chief Clerk of Insolvent Court :—Sheriff of Calcutta :—

Commanders of Government Vessels :—Officers especially authorized to draw supplies of Stationery from this store.

Note.—All Public Officers not authorized to indent on the Stationery Office may be supplied with Stationery by the Superintendent at a charge of 5 per cent. above the Cost of the articles supplied.—*Ibid, Rule* 7.

3251. A scale has been drawn out (A) for regulating the supply of Stationery for all Public Offices in accordance with which Indents must be framed and submitted in the form prescribd (B), the certificate at the foot of the latter being duly signed. No other than printed forms of Indent, which can be obtained from the Superintendent's Office, should be used; nor should a transmitting letter be sent with the Indent, except when explanation is required to be given which cannot be written on the Indent.—*Ibid, Rule* 8.

FORM OF INDENTS AND DIRECTIONS FOR FORWARDING THEM.
Scale for regulating supply of Stationery.
Indent.

Above scale applicable to all Offices.

3252. The above mentioned Scale is intended to apply to Public Offices of all Departments except the Hospital Department for which a separate scale is sanctioned.—*Ibid, Rule* 9.

If full quantity be not necessary.

3253. In cases where the full quantity and superior description of stationery allowed by the scale is not necessary, it will be the duty of the Indenting Officer to modify his Indent accordingly.—*Ibid, Rule* 10.

Label of address to be accurately filled up.

3254. Moffussil Officers indenting will be careful to fill up accurately the label on the form of Indent, designating the address to be attached to the Cases. When this is omitted the responsibility of non receipt or delay in the arrival of the stores will rest with the Indenting Officer.—*Ibid, Rule* 11.

3255. As a general rule all Indents will be for the calender year, and all the columns in the Form must be duly filled up. In emergent Indents for which the same Form is to be used, the 3rd, 5th and 6th columns only need be filled up. But emergent Indents should be resorted to as seldom as possible, and the explanation of their necessity should be full. Where the explanation is not satisfactory, the Superintendent of Stationery is authorized to disallow the Indent. —*Ibid, Rule* 12.

3rd. Balance in hand.
5th. Quantity indented for.
6th. Number of Assistants.
Note.—All Indents for paper required for printing purposes must be submitted separately from those for the ordinary use of the Office.

Date on which Indents should be despatched.

3256. Annual Indents from all Offices above Allahabad should be despatched so as to reach Superintendent's Office on or before the 1st of August of the year preceding that for which the supply is required. From all other Offices they should be sent so as to reach him by the 1st of October.—*Ibid, Rule* 13.

Indents to be forwarded direct to Superintendent except in certain cases.

3257. Indents are to be forwarded direct to the Superintendent by all Officers except those named below, who, on account of the expensive and professional nature of the articles required by them and because the scale is no guide to the proper supply, must submit theirs through their Official superiors, who will examine, countersign and forward them to the Stationary* Office, that is to say,

**Note.*—Indents for Mathematical Instruments not being common compasses and parallel rulers, are to be forwarded to the superintendent of the Mathematical Instrument Department.

Officers of the Departments of Public Works, through the Superintending Engineer of the Division

Officers attached to the great Trignometrical Survey through the Surveyor General.

Officers of the Revenue Survey through the Deputy Surveyor General.

Officers of the canal and Roorkee College Departments, through the local Head of those Departments.—*Ibid, Rule* 14.

Paper for Forms required of the Allipoor Jail Press.

3258. The Superintendent of the Allipoor Jail Press will obtain paper from the Stationary Office for all forms required from him for the Public Service. Officers indenting on the Allipoor Jail Press for forms should apply through the Stationary Office, but should not forward to the Press paper for the forms which they may require.—*Ibid, Rule* 15.

3259. Should the Superintendent of the Press consider that the documents indented for can be supplied upon paper of a smaller size, or less expensive description than that specified in the Indent, it will be his duty to submit a proposition to that effect to the Head, at the Presidency, of the Department to which the Indenting Officer belongs, who will decide upon the point in question.—*Ibid, Rule* 16.

INSTRUCTIONS TO BE ATTENDED TO IN RECEIVING SUPPLIES OF STATIONERY.

Advice to be given to Indenting Officer of the despatch of Stationery.

3260. The Superintendent of Stationery will advise the Indenting Officer when and how his supply of Stationery is despatched, noting particularly the address (which will be copied from the label on the Indent) to which it is consigned. Should there be any error in the address so notified, or should the despatch not reach its destination in due course, the Indenting Officer must take such steps as may be necessary for the correction of the error in the address, and for securing the receipt of the supply despatched, communicating at the same time with the Superintendent of Stationery if he considers it necessary.—*Ibid, Rule* 17.

Packages on arrival to be opened and counted in the presence of the Head of the Office.

3261. On the arrival of the supply the Indenting Officer should have the packages placed in a dry and properly protected place prior to their being opened and counted out as soon as can conveniently be due.—*Ibid, Rule* 18.

3262. The packages must be carefully opened and their contents counted out in the presence of the Head of the Indenting Office, who is required to watch the process certifying the same at the foot of the receipt. The receipt must then be signed and immediately transmitted to the Superintendent, with a detail of such articles as ought to be in the case according to the list received from the Superintendent, but which are not found in it. The transmission of the receipt must not be delayed pending the reference, to the Stationery Office regarding such short receipts, which will form the subject of a separate correspondence.—*Ibid, Rule* 19.

Receipt to be signed and returned noting articles not received.

3263. Officers who have covenanted assistants may employ those Assistants to supervise the unpacking and counting of the supply, and in the Government Secretariats, Boards, and Sudder Courts, this duty may be performed by the Registers. In all other Offices in case of the absence on duty of the Head of the Office or other sufficient cause, the packages may be opened by the Head Clerk or principal Uncovenanted Assistant. In all these cases the certificate must be signed by the person who opens the packages, and countersigned by the Head of the Office.—*Ibid, Rule* 20.

Certain Subordinate Officers may be employed in this duty.

3264. The liabilities for short receipts will be adjusted as follows:—

The Superintendent of Stationery will submit to the Board annually a statement of short receipt classed under three heads A. B. and C.

ADJUSTMENT OF SHORT RECEIPTS. How to be made.

The value of trifling deficiencies contingent upon excusable accident will be included in A., and passed by the Board to be written off to Profit and Loss in the accounts of the Superintendent.

The liability for short receipts where the supplies are certified to have been opened and duly examined in the presence of the Head of the Office will come under head B, and rest with the Superintendent of Stationery and his employees.

For the value of short receipts where the provisions of these Rules shall not have been strictly observed, which will be shown under head C, the receiving Officer will be held responsible.—*Ibid, Rule* 21.

3265. The above Statements, with the Boards Orders on them, will then be sent to the Accountants Office for adjustment.

How the deficiencies are to be recovered.

In cases where the Stationery Office is held responsible the amount will stand at the personal debit of the Superintendent until recovered by him from the party respousible to him.

When the Indenting Officer is held liable as under head C, an extract from the Statement will be sent to the Civil Auditors, Military Auditor Generals or Accountants Offices as the case may be, with a view to the necessary steps being taken for the recovery of the amount under the general Rules in force in those Offices for the recovery of other dues to Governments.—*Ibid, Rule* 22.

3266. Whenever the receiving Officer may have reason to consider that the packing or transport of the cases has been improperly or carelessly performed, he is required to intimate the same, whether actual injury has resulted or not, to the Superintendent of Stationery, mentioning the reasons for his opinion, with suggestions for future prevention. The Superintendent will take steps to obviate a recurrence of the neglect pointed out.—*Ibid, Rule* 23.

If receiving Officer considers packing or transport of cases to have been improperly or carelessly performed.

3267. On receiving an Indent from an Office at the Presidency, the Superintendent will fix a day for the delivery of the Stationery, Wednesdays and Saturdays being expressly set aside for the delivery of stationery to Presidency Offices. At the time fixed an Assistant from the Indenting Office will attend at the Stationery Office, to take charge of the supplies. Objections must be made before the supplies leave the Office and bottles, baskets, &c., belonging to the Stationery Office must be returned.—*Ibid, Rule* 24.

Indents from Officers at the Presidency.

3268. Complaints as to the quality of supplies received should be accompanied by an average sample of the articles complained of, duly attested by the complaining Officer as being part of the supply furnished by the Stationery Office on such a date, and the marks on the articles or covering of the packages should be carefully ascertained and reported. To prevent fraudulent substitution of other than the Government supplies, these complaints can only be admitted when preferred within seven days of the opening of the cases. Complaints of good articles being damaged in transit should be accompanied by the

COMPLAINTS. To be accompanied by an average sample of articles complained of and to be preferred within 7 days from opening of cases.

Officer's opinion, and the grounds of it as to whether the damage was caused by bad soldering, careless packing or from maltreatment of the package in the Post Office, Steamer, or other mode of conveyance.—*Ibid, Rule* 25.

CONTINGENT BILLS

3269. In consequence of the arrangements now made for the timely Indent for, and supply of, Stationery from the Government Office to Public Offices in all parts of the country, the necessity for purchasing supplies on the spot will rarely occur. Such purchases may occasionally be indespensable, but will only be admitted where the case is shewn to be one of great emergency, and the declaration, upon honor, at the foot of the Bill is duly signed. Public Officers are desired to borrow from other Offices pending the arrival of their own supplies, rather than resort to local purchase giving early advice to the Superintendent.—*Ibid, Rule* 26.

3270. The actual expenditure on account of such articles as are not supplied on Indent by the Superintendent of Stationery will be included monthly in a Contingent Bill (form of which will be supplied from the Stationery Office) and forwarded in duplicate to the Superintendent of Stationery whose countersignature will be sufficient authority for the expenditure being charged in the Cash Account of the Office transmitting it.

Note—Seerampoor paper can always be supplied and should be indented for in the Annual Indents.

The contingent Stationary Bill of any Office which has no Treasury of its own, will be payable, when countersigned by the Superintendent, at the Treasuries from which the salaries of the Office are disbursed. The above Rule is intended to apply only to Officers located at Sudder Stations, and not to Moonsiffs, Daroghas of Police, of Salt Chowkies, and similar Mofussil Officers.—*Ibid, Rule* 27.

Note—It applies to all Joint Magistrates as well as to Sub Deputy Opium Agents

The Superintendent can supply country paper of good quality at 2 Rs 8 Ans per Ream

3271. In cases where the Superintendent of Stationery finds that he can supply any article of Stationery at a lower rate than that charged in the Contingent Bill of any Office, he will intimate the same to the head of that Office, who will then abstain from making local purchases and indent upon the Stationery Office for the articles indicated by the Superintendent.—*Ibid, Rule* 28.

3272. In the Stationery Bill above described will be included all charges for vinegar, glue, paste, country ink, twine, thread, stamping ink, stamping inkstand, tale, cloth for binding records.—*Ibid, Rule* 29.

3273. Every Officer in charge of an independent Office should submit monthly *one* Stationery Contingent Bill, shewing under distinct heads, the charges for the several Departments in his Office. Every Bill should contain *all* the charges incurred during the month for which it purports to be drawn. Any item charged on account of previous months to be disallowed —*Ibid, Rule* 30.

PREVENTION OF ABUSES.

3274. Care must be taken by the Head of every Office to prevent the use of the Government Stationery in any other than the Public Service. The stores of Stationery should be placed in charge (under lock and key) of a responsible Writer or Assistant in the Office. A Book (which is to be sent when required for inspection, to the Superintendent) is to be kept by him of all issues of Stationery in the Form prescribed and supplied by the Stationery Office, and such issues are to be acknowledged in it by the signature (in initials) of the Officer or Assistant who takes the articles. Any abuse apparent to the Assistant in charge of the Stationery is to be brought to the immediate notice of the Head of the Office.—*Ibid, Rule* 31.

Packing cases to be sold and amount credited to Supt.

3275 Packing cases received from the Stationery Office are to be sold, and the proceeds credited to the Superintendent of Stationery in the cash accounts of the Office, the amount so credited beng communicated to the Superintendent.—*Ibid, Rule* 32.

New Scale of Stationery.

3276 With reference to the Resolution of the Supreme Government in the Financial Department, dated the 26th April last, published in the Calcutta Gazette of the 8th May, page 1201, I have the Honor to forward herewith a revised scale of Stationery Allowances for Public Offices, and Form of Indent, and to request that you will, in submitting your future Indents, strictly adhere to the new scale.

2nd. Your particular attention is requested to paras. 12 and 22, quoted below, of the Report of the Civil Finance Commission, dated 2nd March 1861, No. 289, with a view to the suggestions contained in them being carried out in your Office.

PARA. 12. With the papers exceeding Foolscap size, it is not possible to substitute machine made for hand-laid; but considering their relative prices, an equivalent result may be obtained by displacing a certain proportion of the present issues of Imperial, Book, and consultation papers, by equal quantities of the next inferior size, and by discontinuing the supply of General Letter Paper. There is great necessity for such an arrangement; for the expenditure of these papers in the four years ending in 1859-60 greatly exceeded that in the preceding four years. We submit that, for the following reasons, the smaller sizes may more or less supersede the larger in the proportions marginally stated.

	PER REAM.		
	RS.	A.	P.
Imperial paper	40	15	4
Book or Royal	24	9	7
Consultation or Medium ...	19	0	11
General Letter or Demy..	13	9	0
Foolscap	9	4	0
Or Spalding and Hodges ..	6	8	0

Imperial Paper	½
Book Do	2/5
Consultation Do	½
General Letter Paper entirely.	

I. Because the large papers are required chiefly for Accounts and Statements, which, by proper expedients, can, in several cases, be reduced in size. The voluminous Disbursement, Statements of Military Pay Masters, heretofore prepared on Imperial or Book Paper, are in course of reduction to a few sheets of Foolscap.

II. The expenditure of large paper for such Returns, Accounts, Statements &c., as are printed, should be curtailed by preparing the printer's copy on Cartridge, German, or Serampore Paper.

III. Rough drafts of letters are in some Offices copied in Books of Consultation or Book Paper. Were the scale to be summarily cut down, rough drafts would be simply filed, in most cases effecting an additional saving thereby in Copyists.

IV. General Letter Paper is the next size to Foolscap. It is not much larger, but it is much dearer than the latter and the purpose for which it is used might be as effectually served by Foolscap.

PARA. 22. The chief restriction on the waste of Stationery must be applied in each Department itself. There the expenditure should be scrutinized weekly by a responsible Officer with a degree of care which, we believe, has not heretofore existed.—*C. O. Supt. of Stationery No.* 4040, *Dec.* 18*th*, 1861.

3277. Revised Scale of one year's supply of Stationery under Government Resolution, dated 26th April 1861 Vide Rules IX and XI.

	Number of Persons using Government Stationery.																													
ENGLISH WRITING PAPER.	1			2			3			4			5			6			7			8			9			10		
	Reams	Q.	S.	R	Q	S.	R	Q.	S.	R.	Q	S	R.	Q	S	R.	Q.	S.	R	Q.	S.	R.	Q	S.	R.	Q.	S.	R	Q.	S.
Cream Laid Imperial																														
,, Book or Royal																														
,, Consultation or Medium																														
,, General Letter or Demy																														
,, Foolscap	1	6	0	2	12	18	3	10	4	5	5	13	6	11	9	7	18	8	9	4	17	10	11	2	11	17	12	13	3	2
Foolscap, 2nd quality																														
Quarto Post																														
Folio Post																														
Blank Folio Post																														
Note or Chit																														
WRITING PAPER, For General Use.																														
Royal Demy, and Foolscap	0	16	0	1	10	0	2	4	0	2	18	0	3	14	0	4	8	0	5	2	0	5	16	0	6	10	0	7	4	0
SERAMPORE, Paper for general purposes																														
Royal and Medium		16	0	1	10	0	2	4	0	2	18	0	3	14	0	4	8	0	5	2	0	5	16	0	6	10	0	7	4	0
Blotting Paper.....		0	1	0	0	17	0	1	2	0	1	11	0	1	19	0	2	4	0	2	12	0	2	21	0	3	6	0	3	15
MISCELLANEOUS ARTICLES.																														
Black Ink Powder, (bundles)		4			8			12			16			20			24			28			32			36		40	
Red Ink Powder, (bundles).....		1			2			3			4			5			6			7			8			9		10	
Black Ink Fluid, (quart bottles)		2			4			6			8			10			12			14			16			18		20	
Country Sealing Wax		13			27			40			53			66			80			93			107			120		133	
Office Lead Pencils, number		2			4			6			8			10			12			4			16			18		20	
Goose Quills, number		100			200			300			400			500			600			700			800			900		1,000	
Steel Pens, dozen		7			14			21			28			35			42			49			56			63		70	

1st. As the requirements of different Offices for Blank Books vary greatly, it is impossible to provide a scale for regulating their supply. It is therefore particularly requested that Officers will not indent for them without previously satisfying themselves of the absolute necessity of the number indented for.

2nd. Cream Laid Foolscap, Quarto Post and Note Paper will be issued only to the Governor General, the Commander-in-Chief, and Lieutenant-Governors.

3rd. Colored Paper, Marble Paper, Pasteboards, Millboards, and country leather will be issued for binding purposes.

4th. Printing Paper, Imperial Paper, Cartridge Paper, Plank Folio Post and Parchment will be issued on special reasons duly explained.

5th. India Rubber, one per man to last two years.

6th. Round Rolers one per man every six years or one yearly for six men.

7th. Flat Rulers one per man every six years or one yearly for six men for the use of Duftries only.

8th Steel Penholders in the proportion of one to every four dozen of pens.

9th. Wooden Inkstands, double, one per man to last six years; Ink Glasses one per man to last three years.

10th Penknives, one yearly to each person using quills, and one every two years to each person using steel pens.

11th. Erasers one per man every three years or one yearly for three men.

12th. Hones, one per 12 persons every three years or one yearly for 36 persons.

13th. Stropes, one per 12 persons annually

14th. Slates will be issued for Regimental Schools.

15th. Wafers one box yearly for the use of the Heads of Offices ; and wafer Seals one to last six years.

16th. Slices or paper cutters, one per man to last six years or one yearly for six men.

17th. Large scissors for Duftrees only, one every three years.

18th. Wax and corba cloth are to be issued only for packing purposes.

19th. Paper Weights one per man to last six years.

20th. Drawing materials will be issued to Surveying and Public Works Department under check of their departmental Superiors.

21st. Foolscap for general use should be sued for all office drafts and demy and medium for all ordinary office accounts and royal only for special purposes.

22nd. Persons using steel pens to the full allowance are not entitled to receive quills *and vice versa.*

23th. No loans or advances on ensuing indents will be given but efforts will be made to supply Indents in full.

24th. Informal Indents are to be returned by the Superintendent.

25th. Indents are not to be made up to the full allowance in quantity and quality according to the scale unless absolutely necessary.

26th. Public officers are recommended to adopt the practice of applying asolution of white arsenic to the backs and edges of bound records as a preservative aginst injury by insects in the proportion of one seer to a gallon of water.

3278.—FORM B. STATIONERY INDENT.

See Rules IX., XI., and XIII.

This form is to be used for all Indents and for office copies of Indents.

Note.—The direction to be marked on the cases in the space below.—See Rules XII and XIX.

To the
of
at
Care of
To be forwarded by.

Indent for Stationery for the year 186 .

Office of the

Registered No.
of
186 .

Description of Articles. N. B.—See Back of scale A.	Received on Indent of 186 .			Balance in hand on this date			Sanctioned allowance for 12 months' supply as per scale A.			Quantity now Indented for.			Number of persons using stationery.	Remarks. Below scale			Above scale.		
	Rm	Qr.	S.	Rm.	Qr.	S.	Rm	Qr.	S.	Rm.	Qr.	S.		Rm.	Qr.	S.	Rm.	Qr.	S.
ENGLISH WRITING PAPER.																			
Laid Imperial, ..																			
Book or Royal, ...																			
Consultation or medium, ...																			
General letter or demy, ..																			
Foolscap, ..																			
Foolscap paper of second quality, ...																			
Quartopost, ..																			
Folio post, ...																			
Bank folio post, ..																			
Note or chit paper, .																			
Cream laid foolscap, ..																			
" Quarto post, ...																			
" Note, ..																			
Writing paper for General use, ..																			
Royal, ...																			
Demy, ..																			
Foolscap, ...																			
SERAMPORE PAPER.																			
Royal, ...																			
Medium, ..																			

Description of Articles. N. B.—See Back of scale A.	Received on Indent of 186 .			Balance in hand on this date.			Sanctioned allowance for 12 months' supply as per scale A.			Quantity now Indented for.			Number of persons using stationery.	Remarks. Below scale			Above scale.		
	Rm.	Qr.	S.	Rm.	Qr.	S.	Rm.	Qr.	S.	Rm.	Qr.	S.		Rm.	Qr.	S.	Rm.	Qr.	S
MISCELLANEOUS PAPER, &c.																			
Cartridge paper white, ...																			
Brown, ...																			
Blotting. ..																			
Colored Royal paper (specify colors,) ...																			
Marble paper, Demy, Royal,																			
Parchment, ...																			
Paste boards, ..																			
Mill boards of sizes, ...																			
Printing paper, ..																			
Single Royal, ...																			
Double ditto ..																			
Super ditto ..																			
Medium, ...																			
Demy, ..																			
Double foolscap thick, ..																			
" Thin, ..																			
Blank books, Europe made Half-bound, ..																			
Books of laid Royal 2 quires No. ..																			
Do. 3																			
Do. 4																			
Do. 5																			
Do. 6																			
Medium, 1																			
" 2																			
" 3																			
" 4																			
" 5																			
" 6																			
Demy, 1																			
" 2																			
" 3																			
" 4																			
" 5																			
" 6																			
Foolscap, 1																			
" 2																			
" 3																			
" 4																			
" 5																			
" 6																			
Full bound books for the Register of deeds.																			
Laid Foolscap, 1 Qr. No.																			
" 2																			
" 3																			
" 4																			
" 5																			
" 6																			
Book of Coarse paper, Country made, bound in Kharooa cloth.																			

Description of Articles. N. B.—See Back of Scale A,	Received on Indent of 186 .	Balance in hand on this date.	Sanctioned allowance for 12 months supply as per Scale A.	Quantity now Indented for.	Number of persons using Stationery.	Remarks, Below scale	Remarks, Above scale.
Royal, 1 Qr. No.							
" 2							
" 3							
" 4							
" 5							
" 6							
Medium, 1							
" 2							
" 3							
" 4							
" 5							
" 6							
Foolscap, 1							
" 2							
" 3							
" 4							
" 5							
" 6							
Quarto Memorandum books.							
Half Quire, stiff Cover, ..							
MISCELLANEOUS ARTICLES.							
Black ink powder 1 bundle pint							
Red, Ditto, ..							
Black ink Fluid Qt. Bottles,..							
Country Sealing Wax, ..							
Leather, ..							
Office Lead Pencils. ..							
Red tape width, ..							
India Rubber, ..							
Round rulers, ..							
Flat Ditto, ..							
Goose Quills, ..							
Steel pen ordinary Size, ..							
Magnumbonums, ..							
Holders, — ..							
Double wooden inkstands ..							
Glass Inkpots, ..							
Penknives, ..							
Erasers, ..							
Hones, .							
Strops, ...							
Slates, ...							
Slate pencils, ..							
Wafers, Boxes, ...							
Seals, ..							
Slices or paper cutters, ...							
Scissors for Duftrees only, ..							
Paper weights, ..							
Wax cloth, momjama, ..							
Corba cloth, ...							

DRAWING MATERIALS.

Issued only upon special sanction of the Head of the Department Indenting.

DRAWING PAPER.	Rms.	Qr.	S.	ARTICLES.	Quantity	
Emperor drawing paper, ...				Tracing Cloth, ..		
Double Elephant, " ..				Mapping Steel Pens, ...		
Ditto, 40 by 40 " ..				Parrallel Rulers, ...		
Antiquarine, " ..				Sponges, ..		
Atlas, " ...				Gum Arabic, ..		Specify in detail the colors required.
Imperial, " ..				Water Colors, ...		
Royal, " ..				Slabs, ..		
Medium, " ..				Saucers, ..		
Demy, " ..				Camel Hairs Pencils, ..		
Plate, ..				Brushes, ...		
Double Elephant, lithographic, ..				Drawing Pencils, ..		Specify letters.
Imperial, " ..				Crow Quills, ..		
Tracing paper, ...				Green Ribbon, ..		
Mounted Section, " ...						
Silver, " ...						
Cartoon drawing " Yards,						
Coarse continuation, " ...						

Blotting paper, from Moradabad jail.

3279. Blotting Paper manufactured at the Moradabad Jail, having been found on trial in the Public Offices at Agra to answer the purpose equally well as that supplied by the Superintendent of Stationery at Calcutta. I am directed to request that you will in future indent for this article on the Magistrate of Moradabad. 2nd. The expenditure will be regulated by the Scale laid down in the Stationery Rules. (3277.) Or six (now nine) sheets per annum for each individual. Indents for the paper must therefore specify the number of assistants and writers employed on the establishment of the Indenting Officer.—*Govt. Order No.* 3786, *Oct.* 28*th*, 1855, *W. P.*

Receipt for preparing ink

3280. Take eight ounces of Aleppo galls (in coarse powder); four ounces of logwood (in thin chips) four ounces of sulphate of Iron; three ounces of Gum Arabic (in powder); one ounce of Sulphate Copper and one ounce of Sugarcandy. Boil the Gall and Logwood together in twelve pounds of water for one hour, or till half the liquid has evaporated. Strain the decoction through a hair sieve or linen cloth, and then add the other ingredients; stir the mixture till the whole is dissloved, more espicially the Gum; after which leave it to subside for twenty-four hours. Then decant the Ink, and preserve it in bottles of glass or stone-ware, well corked.—*Gazette W. P.* 1861, *p.* 1015.

Note 1.—No other article but those mentioned in this Form will be issued from this store

Note 2.—Before signing this, please consult Rules IX. XI. and XIII., and the revised scale. The requirements of the head of the Office should be marked in red ink H.

CERTIFICATE.

I hereby certify that the supply indented for is absolutely required, and that the balance in hand is essentially correct. Further that my best endeavors will be directed to the prevention of waste.

Dated of 186 .

CHAPTER VIII.

Of Special and Local Laws.

SECTION I.

Of the Abkaree Law.

3281. Regulation II. of 1802; Regulation X. 1813; Regulation XVII. 1814; Section 41 and the following Sections of Regulation XIII. 1816; Regulation XI. 1818; Regulation VII. 1824, except the first five clauses of Section 18 and Section 23 and 24 and Regulation VIII. 1826; Act 25, 1840, Act IX. 1841, and Act XXIII. of 1848, are repealed except so far as they repeal the whole or part of any other Regulation or Act.—*Act XXI.* 1856, *sec.* 1.

Regulations and Acts repealed.

3282. The collection of the Revenue arising from the manufacture of spirits, and the sales of spirits, and spirituous and fermented liquors, and intoxicating drugs, shall be ordinarily under the charge of the Collectors of Land Revenue, who shall perform the duties connected therewith under the control and direction of the Commissioner of Revenue and of the Board of Revenue. But Government may appoint any other person to be Superintendent of Abkaree Revenue in any District or place, and any person so appointed shall exercise in such District or place all the powers and authorities vested by this Act, or by Act XI. of 1849, in the Collector of Land Revenue; and such powers and authority shall cease to be exercised in such District or place by the Collector of Land Revenue during the continuance of such appointment.—*Ibid, sec.* 2.

Collectors of Land Revenue to have charge of the Abkaree Revenue.

3283. The Government may also appoint a Commissioner or Commissioners for the control and direction of the Officers having charge of the Abkaree Revenue in any District, or Districts; and when such appointment is made the Commissioner of Abkaree shall exercise within such District or Districts the powers and authority vested by this Act or by Act III. of 1856 in Commissioners of Revenue and the Revenue Commissioner shall cease to exercise such powers and authority in the said District or Districts during the continuance of such appointment.—*Ibid, sec.* 3.

Government may appoint Commissioners of Abkaree.

3284. Collectors may appoint Darogahs, Jemadars, Peons, Surveyors, Gaugers, and other Officers for the collection of the Abkaree Revenue, and for the prevention of smuggling; and the Officers so appointed shall in addition to their ordinary designations, be styled Abkaree Officers. In Districts where there are Tuhseeldars and other Local Officers for the collection of the Land Revenue, the Office of Abkaree Darogah may be united with that of Tuhseeldar, Naib Tuhseeldar, or Peshkar, and in such cases the Tuhseeldar, Naib Tuhseeldar or Peshkar and the Officers subordinate to him shall be held and deemed to be Abkaree Officers within the meaning of this Act.—*Ibid, sec.* 4.

Collectors may appoint Abkaree Officers.

Tuhseeldars may be Abkaree Darogah.

3285. It shall not be lawful for any person to construct or work a distillery after the manner in which distilleries are constructed and worked in England, without a License under the signature of the Collector of the District in which such distillery is situated; or, in case the distillery is within 20 miles of Calcutta, or such other distance less than 20 miles as may from time to time be prescribed by the Lieutenant-Governor of Bengal, under the signature of the Collector of Calcutta.—*Ibid, sec.* 5.

English Distilleries not to be constructed or worked without License.

Board of Revenue to prescribe Rules for regulating English Distilleries.

3286. The Board of Revenue, with the sanction of Government, may prescribe such Rules relative to the granting of Licenses under the preceding section, to the notices to be given by the proprietor of a Licensed Distillery when he commences and discontinues work, to the size and description of the stills, to the passing and storing of the spirits, to the inspection and examination of the distillery and warehouses, and of the spirits manufactured and stored therein, and to the furnishing of Statements and lists of such spirits, and of the stills, coppers, casks, and other utensils used in the distillery, as may from time to time be judged expedient,—*Ibid, sec.* 6.

Rate of duty to be levied on spirits.

3287. A duty shall be levied on spirits manufactured at distilleries, worked according to the English method, at the rate of one Rupee the imperial gallon of the strength of London proof, to be augmented or reduced in proportion to the strength of the spirit. No spirits shall be removed from any such distillery or the ware-houses connected therewith, upon which the aforesaid duty has not been paid, or for the duty chargeable on which a bond has not been executed as hereinafter provided ; and for all spirits removed upon payment of duty, or under bond, passes shall be issued by the Collector, which shall specify the quantity and strength of the spirit, the place of its destination, the person to whom it is consigned, and whether the duty has been paid or secured by bond.—*Ibid, sec.* 7.

Sections repealed.

3288. Section 9 Act XXI. of 1856, so much of sec. 7 of the said Act as prescribes that the duty leviable on spirits manufactured at distilleries worked according to the English method for the imperial gallon of the strength of London proof shall be one Rupee, and so much of section 15 of the said Act as prohibits spirits under bond from being exported or shipped to any Part in India without payment of duty, are thereby repealed. On and after the 21st January 1860, it shall be lawful for the Government to levy the duty as aforesaid at the rate of three Rupees, and the duty shall be rateably increased as the strength exceeds London proof.—*Act XXIII. of* 1860, *sec.* 1.

Rate of duty to be levied on spirits.

Rules for removal of spirits from distillery without payment of duty and for exportation thereof

3289. It shall be lawful for the chief customs Authority of any Presidency or place to prescribe from time to time the conditions on which and the rules under which spirits manufactured in British India after the English method may be removed from any licensed distillery for exportation without payment of the duty of excise. The persons so removing any such spirits shall execute to the Government a bond with one or more sureties in the form marked H annexed to this Act, or in such other form as the said chief customs Authority shall from time to time prescribe for the payment of duty on such portion of the said spirits as shall not be exported within four months from the date of the bond, and upon any portion which shall be exported to any other port in British India, not being a free port, but proof of the landing whereof and of payment of duty of customs whereon at the part of destination shall not be furnished to the satisfaction of the proper Officer within six months from the date of the bond. It shall be lawful for the chief Officer of Customs of the port of exportation to extend for a further term not exceeding four months, on sufficient cause shown, the period allowed for the exportation of any such spirits, or for the production of such proof that duty has been paid.—*Act VI.* 1863, *sec.* 163.

Rum Shrub &c how to be charged with duty May be exported under the same rules as spirits.

3290. Any rum shrub, cordial, and other such liquor prepared in a licensed distillery under supervision of the Surveyor or Officer in charge of the distillery, shall be charged with duty according to the quantity of spirits used in its preparation as ascertained by such Surveyor or Officer. The provisions of this Act respecting spirits manufactured after the English method, except such as relate to guage and proof, shall apply to such liquor. When any such liquor is removed for exportation, without payment of duty or excise, the bond to be executed by the person removing it shall be in the form marked H annexed to this Act, or in such other as may from time to time be prescribed by the chief custom Authority of the Presidency or place.—*Ibid, sec.* 170.

3291. Form of Bond for the removal of spirits from licensed distillery :— From of bond.

We———————are jointly and severally bound to Her Majesty's Secretary of State for India, in the sum of Government Rupees———to be paid to the said Secretary of State, for which payment, we jointly and severally bind ourselves, our heirs, and representatives; and we agree that in case of dispute touching the matter of this obligation, or the condition thereof, the same may be heard and determined in the High Court of Judicature at——

Sealed with our seals, dated this——day of———18 .

(Signed)

The above bounden ——————— being indebted to Her Majesty's Secretary of State for India in the sum of Govt. Rs.———being the amount of duty payable at the rate of Rs. —— per imperial gallon London proof,—gallons of——*(or for—gallons of proof spirit used in the preparation of—dozens of bottles or—gallons of cordials and liquors as specified in the annexed Schedule)* —— manufactured at ——— which the said —— have been allowed to remove thence for exportation by sea, subject to the provisions of Act VI. of 1863 without having paid such duty.

The condition of this obligation is, that, if the above bounden ——— their heirs, or representatives, shall, at the expiration of four calendar months from the date of this obligation, pay or cause to be paid to the said Secretary of State duty at the rate of Rupee ——— per imperial gallon of proof spirits for all or any portion of the above-mentioned —— which shall not have been then exported by sea, subject to the aforesaid provisions (of which exportation, if any, due proof shall be given) or passed for local consumption on payment of duty, then this bond shall be void; otherwise the same shall remain in full force.

Sealed and delivered in the presence of

Place

Date

(If the bond be for cordials and other liquors add.)

SCHEDULE

Description of cordials and liquors	Quantity in bottles or gallons.	Quantity of Proof Spirit.
1	2	3

—*Ibid, Form H.*

3292. A drawback of the duty paid as above on spirits manufactured after the English method, and exported by sea, in the manner hereinafter prescribed, to any port not subject to the British Government in India, or to any port in the Settlement of Prince of Wales' Island, Singapore and Malacca, or to the port of Aden, shall be allowed by the Collector of Customs at the port of exportation: Provided always, that the exportation shall be made within one year from the date of the payment of duty under this Act, and that the spirits, when brought to the Custom House shall be accompanied by the Pass in which such payment is certified.—*Act XXI.* 1856, *sec.* 8. Drawback on exportation.

3293. Spirits brought to the Custom House for exportation by sea, shall, previous to shipment, be gauged and proved by an Officer of the Customs. The amount of drawback to be allowed upon spirits for which duty has been paid, shall be regulated according to strength and quantity of the said spirits as ascertained by such proof and gauge; and the quantity of spirits for which credit is to be given in the settlement of any bond, shall be determined in the same manner. Spirits under bond shall be taken from the distillery direct to the Custom House, under passes to be granted for that purpose by the Collector.—*Ibid, sec.* 10. Rules to be observed in the exportation of spirits.

Duty to be received on any deficiency in spirits under bond.

3294. When spirits are passed from a distillery under bond, duty shall be recoverable upon any difference between the quantity of spirits so passed from the distillery, and the quantity ascertained by gauge and proof at the Custom House, less such allowance for ullage and leakage as may be prescribed by the Board of Revenue.—*Ibid, sec.* 11.

Spirits intended for exportation may be removed for local consumption.

3295. Spirits brought to the Custom House under bond for exportation, may nevertheless be removed for local consumption, under passes to be granted for that purpose by the Collector of Revenue, upon payment of the prescribed duty on the quantity so removed : and credit for such payment shall be given on the settlement of the bond.—*Ibid, sec.* 12.

Recovery of sums due under bond.

3296. Any sum which may remain due to Government upon the settlement of a bond executed according to the provisions of this Act, may be recovered by any process which is, or may be in force for the recovery of arrears of Revenue due from farmers of land or their sureties, or by suits on the bond in any Court of competent jurisdiction.—*Ibid, sec.* 13.

Spirits how to be shipped.

3297. No drawback shall be allowed on any duty paid spirits, nor shall be the duty due on any spirits under bond be remitted, unless the spirits shall be shipped from the Custom House, and upon a vessel to which a Custom House Officer has been appointed to superintend the receipt of export cargo. Spirits shipped for exportation shall not be relanded without a special pass from the Collector of Revenue in addition to the usual order of the Collector of Customs.—*Ibid, sec.* 14.

Spirits shipped for exportation not to be re-landed

No drawback on spirits exported to Indian parts, or shipped as stores.

3298. No drawback shall be allowed on spirits exported to any port subject to the British Government in India other than the ports mentioned in Section VIII. of this Act, or on spirits shipped as stores ; nor shall spirits under bond be so exported or shipped without payment of the duty prescribed by this Act.—*Ibid, sec.* 15.

Rum shrub, how to be charged with duty, may be exported under the same Rules as spirits.

3299. Rum shrub, cordials, and other liquors, prepared in a licensed distillery under the supervision of the surveyor or Officer in charge of the distillery, shall be charged with duty according to the quantity of spirits used in the preparation ; and all the provisions contained in this Act respecting spirits manufactured after the English method, except such as relate to guage and proof shall be applicable to such liquors. When any such liquors are removed for exportation without payment of duty, the bonds to be executed by the persons removing them shall be in the annexed form.—*Ibid, sec.* 16.

Distilleries within twenty miles of Calcutta to be under the Collector of Calcutta.

3300. All licensed distilleries constructed and worked after the English method, and situated within twenty miles of Calcutta, or such other distance less than twenty miles as may from time to time be prescribed by the Lieutenant Governor of Bengal, shall be under the Superintendence and control of the Collector of Calcutta, who shall exercise, with respect to such distilleries and to the spirits manufactured therein, all the powers vested in Collectors by this Act and the Collectors of districts in which any such distilleries are situated, shall have no Jurisdiction with respect to such distilleries.—*Ibid, sec.* 17.

Spirits from foreign territories subject to duty.

3301. Spirituous liquors manufactured at the foreign settlement of Chandernogore, or at any other place in India beyond the limits of the British Government, shall on passing the said limits, subject to this Act, be charged with the duty prescribed for proof spirits in Section 7 of this Act ; and any person who may be found in possession of any such liquors, without a pass from the Collector, certifying the payment of such duty, shall forfeit for every such offence a sum not exceeding 200 Rupees ; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them shall be liable to confiscation.—*Act XXI.* 1856, *sec.* 22.

Construction or working of breweries and manu-

3302. It shall not be lawful for any person to construct or work a brewery, or to manufacture any description of malt liquor, without a license from the Collector of the District.

The Board of Revenue, with the sanction of Government, may prescribe such rules relative to the granting of licenses for constructing and working breweries as may from time to time be judged expedient.—*Ibid, sec.* 23.

facture of malt liquor, without license prohibited.

3303. Spirituous liquors passed from distilleries worked according to the English method, fermented liquors manufactured at a licensed brewery, and spirituous and fermented liquors imported either by land or by sea, shall not be sold except under license from the Collector.—*Ibid, sec.* 25.

Spirituous and fermented liquors not to be sold without license.

3304. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors as aforesaid, shall pay for every such license, the sum of sixteen rupees. The license shall be current only during the Official year, and in the District in which it is granted. But travelling merchants may obtain a general license, authorizing them to sell by wholesale, in any District which they may visit in the course of their travel, without taking out a fresh license for that district, under such rules and restrictions as may be from time to time prescribed by the Board of Revenue.—*Ibid, sec.* 26.

Fee for wholesale license.

3305. Persons taking out licenses for the retail sale of spirituous and fermented liquors as aforesaid, shall pay for every such license such fee or tax as may be fixed by the Board of Revenue; and such fee or tax shall be payable at such periods as the said Board may direct. Provided that such fee or tax shall be at such rate for each license as shall not exceed the total sum of 100 Rupees for the whole year. Any sale of spirituous or fermented liquors, as aforesaid, in less quantity than two imperial gallons, or one dozen of quart bottles, shall be held to be a retail sale.—*Ibid, sec.* 27.

Fee for retail license.

What to be held a retail sale.

3306. It shall not be lawful for any person to manufacture spirits after the native process, nor to sell such spirits, or taree, or puchwye, or ganjah, bhaung, churrus, opium, or any preparation or admixture of the same, except under license from the Collector.—*Ibid, sec.* 28.

Country spirits, liquors, and drugs, not to be sold without license.

3307. All the provisions relating to the sale or possession of fermented liquors contained in the following Sections of this Act, shall be held applicable to the sale or possession of taree, whether in a fermented state or otherwise; and all taree, both fresh and fermented, shall be held to be included in the Expression "fermented liquors" as used in the following Sections of this Act.—*Ibid, sec.* 29.

Taree to be held to be a fermented liquors.

3308. Provided, however, that it shall be lawful for Government, on the report of the Board of Revenue, to pass an order suspending the operation of all the provisions relating to taree contained in this Act, with respect to any district in which the consumption of Taree in a fermented state is inconsiderable; and after the passing of any such order, it shall be lawful for Taree to be possessed and sold without license in any such district, notwithstanding any thing contained in this Act.—*Ibid, sec.* 30.

Proviso.

3309. The Collector, with the sanction of the Board of Revenue, may establish, at any place within his Jurisdiction, a distillery in which spirits may be manufactured after the native process; and may from time to time fix limits within which no country spirits, except such as are manufactured at the said distillery, shall be introduced or sold without a special pass from the Collector, and within which no stills shall be constructed or worked, or spirits manufactured, except at the said distillery. He may also, with the like sanction, discontinue any distillery so established, whenever its discontinuace may appear to be expedient.—*Act XXI.* 1856, *sec.* 31.

Collectors may establish distilleries for country spirits.

3310. The Board of Revenue may prescribe such rules relative to the management of distilleries established under the last preceding Section, to the conditions on which spirits may be manufactured in the said distilleries, and to the passes to be issued for the conveyance of such spirits to the shops of the vendors, as may from time to time be judged expedient.—*Ibid, sec.* 32.

Board may prescribe rules for distilleries.

And regulate the mode of supplying taree and intoxicating drugs to the licensed vendors thereof.

3311. The Board of Revenue may regulate the mode in which taree shall be supplied to licensed vendors of the same ; and may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganjah, bhang, or churus for the supply of the licensed vendors of those drugs. They may also place the cultivation, preparation, and store of the intoxicating drugs above mentioned under such supervision as may be deemed necessary to secure the duty leviable thereon —*Ibid, sec.* 33.

Supply of opium to licensed vendors.
Proviso.

3312. Opium shall be supplied to licensed vendors from the Government stores in such manner, and at such prices, as the Board of Revenue may direct : and no other description of opium shall be sold by such vendors. Provided, that the Government may, by on order of Government, exempt any districts from the operation of this Section.—*Ibid, sec.* 34.

Sale of more than specified quantities of country spirits, &c. prohibited.

3313. Except for the supply of licensed vendors, country spirits, taree, and puchwye, and intoxicating drugs, shall not be sold in larger quantities than are here under specified, namely, country spirits, one seer ; taree or puchwye, four seers ; Ganjah, or bhang, or any preparation or admixture of the same, one quarter of a seer ; churus or opium, or any preparation or admixture of the same, five tolahs weight, and the sale of any such quantity as is herein allowed, shall be deemed to be a retail sale within the meaning of this Act.—*Ibid, sec.* 35.

Duty on the retail sale of country spirits.

3314. Whenever a license for the retail sale of country spirits, taree, or puchwye, or intoxcating drugs, shall be granted under this Act, the Collector shall be authorized to demand in consideration of the privilege granted, such tax or duty, or a tax or duty adjusted on such principles, as may from time to time be fixed with the sanction of the Board of Revenue; and such tax or duty shall be specified in the license, and shall be payable at such periods as the said Board may direct. The Collector may grant special licences for the sale of unfermented taree only, at those periods of the year when the fresh juice is in request; fees may be demanded for such special licences at a rate not exceeding one Rupee for each license; and the vendors shall not be subject to any other tax or duty in respect of such sale.—*Ibid, sec.* 36.

Licensed retail vendors of country spirits to furnish security.

3315. Every person taking out a license for the manufacture of country spirits, or for the retail sale of spirituous or fermented liquors, or intoxicating drugs, shall execute a counterpart engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement or make such deposit in lieu of security as the Collector may require.—*Ibid, sec.* 37.

Duration and renewal of license.

3316. Unless otherwise specially authorized by the Board of Revenue, licenses for retail sale shall be granted for the term of one year, and if continued to the holders thereof, shall be formally renewed from year to year. But it shall be incumbent on every person holding a license, who may intend not to renew it, to give notice of his intention to the Collector fifteen days, previously to the expiration of the year ; and if such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into by every such person, shall remain in force as if the said license and engagement had been formally renewed.—*Ibid, sec.* 38.

Board to regulate form of license

3317. The Board of Revenue shall have authority to regulate the Form and conditions of all licenses granted under this Act.—*Ibid, sec.* 39

Licensed vendors not to harbour robbers &c., nor to keep their shops open between sunset and sunrise nor to harbour persons at night.

3318. The licensed vendors of spirits and drugs are bound, by the conditions of their licenses, not to harbour robbers, theives, or riotous persons, not to receive any goods or wearing apparel in barter for liquors or drugs ; they are also bound not to open their shops before sunrise, nor to keep them open after sunset ; and are enjoined not to harbour any person in their shops during the night, but to give information to the nearest Magistrate or Police Officer of any suspected persons who resort to their shops.—*Reg. XX.* 1817, *sec.* 28, *cl.* 4.

3319. The Darogahs of Police are enjoined to report to the Magistrate any breach of the foregoing conditions which come to their knowledge. They are also to proceed against any licensed vendor of spirits or drugs, who is charged with a criminal offence cognizable by them, according to the general rules in force, which are applicable to the charge.—*Ibid, cl.* 5.

Police Officers to report any breach of the above rules.

3320. The Collector may recall, or cancel any license granted under this Act if the tax or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a breach of the peace or any other criminal offence. If the Collector desire to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice, and remit a sum equal to the tax for fifteen days, or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Board of Revenue shall direct.—*Act XXI.* 1856, *sec.* 40.

License may be recalled in certain cases.

3321. Any Licensed retail vendor may surrender his license on giving fifteen days previous notice to the Collector, and paying a sum equal to the Tax for fifteen days over and above the sum payable under the license.—*Ibid, sec.* 41.

Surrender of license.

3322. The Collector may recover any arrear of Tax or duty due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, or of his surety, or by any other process which is, or may be in force for the recovery of arrears of Revenue due from farmers of land or other sureties.—*Ibid, sec.* 42.

Recovery of arrears of tax or duty.

3323. The provisions of the two last preceding Sections, so far as they relate to the sale and possession of fermented liquors shall not be held applicable to the sale and possession of taree, the produce of the date tree when supplied or used for the manufacture of goor or molasses, and the provisions of the said Sections relating to the sale and the possession of intoxicating drugs, shall not be held applicable to the sale and possession of Ganjah, or Bhang, by the cultivators of the plants which produce those drugs, respectively. But such cultivators are prohibited from selling any Ganjah or Bhang to any other than a licensed vendor, or a person duly authorized to purchase by pass or license from the Collector, and every such cultivator who shall act in breach of this prohibition, shall forfeit for every such offence a sum not exceeding five hundred rupees.—*Ibid, sec.* 50.

Provisions of the two last preceding Sections, not to apply to the sale and possession of taree when supplied to sugar manufactories, nor to the sale and possession of ganjah or bhang by cultivators.

3324. Provided always, that nothing in the last preceding Section* shall extend to the persons and circumstances hereinafter specified namely: 1 Authorized Opium Cultivators having newly extracted Opium in their possession during the usual period between the full growth of the poppy, and the delivery of the produce to the Opium Agent. 2. Travellers and visitants from foreign states or countries having in their possession any quantity of foreign Opium not exceeding two seers, the produce of such states and countries, and intended for the private use of such travellers and visitants, or their attendants, and not for sale or traffic. 3. Dealers in Horses travelling with strings of horses from beyond the South West frontier of the territory under the Government of the Lieutenant-Governor of the North Western Provinces, and having in their possession Opium, the produce of foreign states or countries, not exceeding in quantity the proportion of ten tolahs weight for each horse. If Opium be found in the possession of any traveller or visitant, or any dealer in horses as aforesaid, in excess of the quantities above specified, such excess shall be liable to confiscation, but the persons in whose possession it may be found, shall not be subject to any further penalty.—*Act XXI. of* 1856, *sec.* 52.

Exception in favor of.
Opium cultivators.
Travellers.
Horse dealers.
Penalty for possession of excessive quantity of opium by travellers &c.

3325. Any Abkaree Officer may enter and inspect at any time, by day or by night, the shops or premises in which any licensed manufacturer or retail vendor shall carry on the manufacture of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs.—*Ibid, sec.* 55.

Powers of Abkaree Officer to inspect shops.

* For this Section vide Chap. XI. Abkaree Laws, Breach of.

And to arrest persons carrying spirits &c., liable to confiscation.

3326. Any Abkaree Officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act; and may seize the liquors or drugs, with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them; and may also arrest the person in whose possession such liquors or drugs are found.—*Ibid, sec.* 56.

And to arrest unlicensed distiller &c.

3327. Any Abkaree Officer above the rank of a Jemadar of Peons may arrest any person having in his possession an unlicensed still, or any spirituous or fermented liquors, or intoxicating drugs, liable to confiscation under this Act, or engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still, with the materials for working it, and all such liquors and drugs.—*Ibid, sec.* 57.

Powers of Abkaree Officers to search on information of illicit manufacture or possession.

3328. Whenever any Abkaree Officer above the rank of a Jemadar of Peons shall have good reason to believe, from information given by any person, which information shall be taken down in writing, that spirits are unlawfully manufactured, or that any spirituous or fermented liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any house boat or other place, such Officer may, between sunrise and sunset, but always in the presence of a Darogah, or other Officer of Police not being under the grade of a Jemadar, enter into any such house, boat, or place, and in case of resistance may break open any door, and force and remove any other obstacle to such entry; and may seize and carry away all stills and materials used in the manufacture of such spirits, and all such liquors and drugs; and may also arrest the occupier of the house, boat, or place with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.—*Ibid, sec.* 58.

Officers of the Police, Customs, and Revenue Departments may be vested with same powers as Abkaree Officers.

3329. The power of seizure, search, and arrest, given to Abkaree Officers by the three last preceding Sections shall, in regard in the seizure and search for contraband Opium, and the arrest of persons found in possession thereof, be vested also in the Officers of the Police, Customs, and Revenue Departments according to their respective grades. And it shall further be lawful for the Government to invest the Officers of those Departments, or of any of them, with the like powers with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession of them; and all such Officers, when so empowered, as well as all Police, Customs, and Revenue Officers when acting under the authority conferred by this Section for the suppression of illicit dealings in Opium, shall be held and deemed to be Abkaree Officers within the meaning of this Act.—*Ibid, sec.* 59.

Police Officers in the N. W. P. invested with powers of Abkaree Officers.

3330. Under Section 59, Act XXI. of 1856 all Members of the Police Force, enrolled under Act V of 1861, are invested with the powers of Abkaree Officers as described in Section 56, Act XXI of 1856, in respect of the seizure of spirituous and fermented liquors and intoxicating drugs, and in respect of the detention or arrest of persons found in possession thereof. Chief Constables and Police Officers above the rank of Chief Constables are invested with the powers of Abkaree Officers, as described in Sections 55, 57 and 58, of Act XXI. of 1856, in respect of inspection arrest, seizure, and search.—*Govt. Order W. P. No.* 12*A. January* 21, 1863.

Abkaree Officer to report every arrest, seizure or search to his Official superior and to take the persons arrested to the Magistrate for trial &c.

3331. Whenever an Abkaree Officer shall arrest any person, or seize any still, or any liquors or drugs liable to confiscation under this Act, or enter any house, boat or place for the purpose of searching for any such illicit articles, he shall, within twenty-four hours thereafter, make a full Report of all the particulars of such arrest, or seizure, or search, to his Official superior, and unless acting under the Warrant of the Collector, shall carry the person arrested, or the illicit articles seized, with all convenient despatch to the Magistrate, for trial or adjudication.—*Ibid, sec.* 60.

Collector may issue warrant of arrest in certain cases.

3332. The Collector may issue his Warrant for the arrest of any person whom he may have reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs, or to

have in his possession any such liquors or drugs liable to confiscation under this Act.—*Act XXI.* 1856, *sec.* 61.

3333. The Collector may issue his Warrant for the search of any house, boat or other place, in which, upon any of the grounds mentioned in the last preceding Section, he may have reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed; and such Warrant may be executed by any Officer above the rank of a jemadar of peons, in the manner prescribed in Section 58, of this Act.—*Ibid, sec.* 62.

Collector may issue search warrants.

3334. Whenever any person is arrested, or any articles are seized under the Warrant of a Collector, the Collector, after such enquiry as he thinks necessary, shall send the person arrested, or the articles seized to the Magistrate, or shall order the immediate discharge of such person, or the release of such articles.—*Ibid, sec.* 63.

Procedure after arrest or seizure.

3335. Darogahs of Police are to support the Officers of the Abkaree Mahal in the execution of search Warrants, issued under the seal and signature of the Collector, for the discovery of unlicensed stills, or of the produce of such stills. Such search Warrants are to be executed only in the day time, that is, between sunrise and sun set; and, if possible, in the presence of two or more respectable inhabitants of the village in which the house or place proposed to be searched may be situated. In the execution of such Warrants, the apartments of the women in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public, are not to be entered by the Collector's Officers, or by the Officer of the Police.—*Reg. XX.* 1817, *sec.* 28, *cl.* 2 *and* 3.

Police Officers to support Abkaree Officers in search.

Warrants how to be executed.

Zenanas of respectable persons not to be entered.

3336. All forfeitures and penalties prescribed for offences against the provisions of this Act, and all seizures of goods declared liable to confiscation under this Act, shall be adjudged by the Magistrate on the information of the Collector or any Abkaree Officer. Provided that no such information shall be necessary in any case of complaint preferred to a Magistrate under any of the seven last preceding Sections or under Section 45.—*Act XXI.* 1856, *sec.* 71.

Adjudication of penalties and seizures.

3337. When any person is sentenced to pay any fine or forfeiture under Act XXI. 1856, such person in default of payment of the same may be imprisoned by order of the Magistrate for any term not exceeding two months, when the amount of the fine or forfeiture shall not exceed fifty Rupees, or for any term not exceeding four months, when the amount of the fine of forfeiture shall not exceed two hundred Rupees, or for any term not exceeding six months, when the amount of the fine or forfeiture shall exceed two hundred Rupees: but in any case the imprisonment shall determine upon the payment of the fine of forfeiture adjudged.—*Act, XXIII.* 1860, *sec.* 3.

Imprisonment in default of payment of fine.

3338. In all cases in which a complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or Abkaree Officer, the Magistrate shall issue a summons requiring the attendance of the person accused. The rules contained in the Regulations and Acts in force, for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall be applicable to trials under this Act. Provided, that no complaint or information of an offence against this Act, shall be admitted unless it be preferred within the period of six months after the commission of the offence to which the complaint or information refers.—*Act XXI.* 1856, *sec.* 72.

Procedure in cases other than those of persons sent in custody by a Collector or Abkaree Officer.

3339 Whenever any person shall be convicted of an offence aginst this Act after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months, and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.—*Ibid, sec.* 73.

Punishment on second or subsequent conviction.

The second conviction must be for the same specific offence as the first.

3340. The second conviction must be of an offence similar to that of which the defendant was first convicted. It is not sufficient that he has twice transgressed the law, but he must be found guilty of twice transgressing it in like manner, by committing a second time the specific offence of which he was found guilty on the first occasion. A previous conviction of adulteration of Opium does not warrant the further imprisonment on a conviction of having contraband Opium.—*Rep. L. P. Govt. v. Kalachand Dutt, June. 22nd,* 1860.

Confinement in the Civil Jail.

3341. Every person who shall be imprisoned under the last preceding Section or on account of the nonpayment of any sum forfeited under this Act, if the offence of which he has been convicted be one with respect to which the information of the Collector or an Abkaree Officer is required by Section 71 shall be confined in the Civil Jail.—*Act XXI.* 1856 *sec.* 74.

Disposal of confiscated goods.

3342. All goods and chattles adjudged to confiscation except Opium, shall be disposed of by the Collector by Public Sale. Opium seized and confiscated shall be sent for examination to the Civil Surgeon of the Station, and, if declared by him to be fit for use, shall be transmitted to the Government factories, or otherwise disposed of in such manner as the Board of Revenue shall direct, if declared to be unfit for use, it shall be immediately destroyed.—*Ibid, sec.* 75.

Disposal of fines &c. as rewards.

3343. One half of all fines and forfeitures levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs and one half of the proceeds from sale of all confiscated articles except Opium, and, in the case of Opium confiscated and declared by the Civil Surgeon to be fit for use a reward of one rupee eight annas for each seer shall, upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender; and the other half of such fines and forfeitures and the other half of the proceeds of sale, or in the case of Opium as aforesaid, a reward of one rupee eight annas for each seer shall be given to the informer. If in any case the fine or forfeiture is not realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred rupees, as may seem to them fit; and the said Board may direct by General Order what classes of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.—*Ibid, sec.* 76.

Rewards where no fine is realized.

Fines undisposed of to belong to Government

Special rewards to informers.

3344. All fines and forfeitures levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Revenue may appropriate any portion thereof, not exceeding one half for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act,—*Ibid, sec.* 77.

Appeals from orders and sentences passed under this Act.

3345. All orders passed by a Collector under this Act shall be appealable to the Commssioner in the usual manner, under the laws and regulations in force relative to appeals from the order of Collectors.—*Ibid, sec.* 78.

Collector with the sanction of the Board of Revenue, may farm out the duties leviable on the sale of spirits, &c except opium.

3346. It shall be lawful for the Collector, with the sanction of the Board of Revenue, to let in farm, for any period not exceeding five years, the duties leviable on the retail sale of spirituous or fermented liquors, or intoxicating drugs or any description of such liquors or drugs, in any pergunnah or other known division of a district.—*Ibid, sec.* 79.

Board of Revenue to regulate invitation and acceptance of tenders for such farm.

3347. The Board of Revenue may prescribe rules for the invitation and acceptance of tenders for such farms and for the requisition of security for the due fulfilment of the engagements entered into by the farmers. The said Board may also regulate the form and conditions of lease; any breach of those conditions shall render the lease liable to annulment.—*Ibid, sec.* 80.

The farmer to make his own arrangements with the manufacturers and vendors within the limits of his farm.

3348. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors, within the limits of his farms; and all the penalties and forfeiturs prescribed by this Act, for

the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.—*Act XXI.* 1856, *sec.* 81.

List of licenses granted by farmer to be filed.

Restrictions with respect to grant of licenses.

3349. Provided always, that every such farmer shall be required to file, in the Collector's Office, a list of all the licenses granted by him, in such form as may be prescribed by the Board of Revenue. Provided also, that it shall be lawful for the Collector, with the sanction of the said Board, before entering into engagements for any such farm, to make such reservations or restrictions with respect to the grant of licenses as may be deemed proper and expedient.—*Ibid, sec.* 82

Lease may be cancelled.

Compensation to farmers in certain cases.

3350. The Collector may, with the sanction of the Board of Revenue, cancel any lease granted under this Act; or within the period of the lease, impose any new restriction on the farmer. If a lease cancelled for any cause, other than a breach on the part of the farmer of the condition of the lease, or any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he may sustain thereby as the Board of Revenue shall think just and proper.—*Ibid, sec.* 83.

Recovery of arrears of tax or duty, from, or by farmers.

3351. The provisions of Section 42 of this Act, shall be applicable to arrear that may be due from any farmer of Abkaree Revenue; and every such farmer shall be authorized and empowered to use the same means and processes for the recovery of any arrear of tax or duty due to him from any authorized vendor, which may be lawfully used by zemindars and farmers of land for the recovery of arrears of rent due to them from their under-tenants.—*Ibid, sec.* 84.

Rules respecting the manufacture and sale of spirits &c, in military cantonments.

3352. Within the limits of any Military cantonment,* and within a circle drawn at a distance of two miles, or such other distance as may in any case be prescribed by Government from such limits, licenses for the manufacture of spirits and for the sale of spirituous and fermented liquors shall not be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, otherwise that with the knowledge and consent of the Commanding Officer; and upon the requisition of such Officer, any license which may have been granted, either by the Collector or by a farmer, within such circle or limits shall be immediately withdrawn.—*Ibid, sec.* 85.

Mode of making arrest or search within military Cantonments.

3353. In all other respects, the foregoing provisions of this act shall have full force and effect within such circle and limits so aforesaid. Provided, however, that when arrest or search is to be made within the limits of any cantonment, the Collector or other Officer authorized under this Act to make arrest or search, shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall Report the arrest or search to such Commanding Officer with as little delay as possible. Provided also, that nothing herein contained shall affect or interfere with the previous of Act XVIII. 1853.—*Ibid, sec.* 86.

Powers vested in Officers of the opium department.

3354. In the districts in which the poppy is cultivated on account of Government, the Deputy Opium Agents and Sub-deputy Agents shall exercise the powers vested by this Act in Collectors, so far as the same relate to the suppression of illegal dealings in Opium; and the Officers of the Opium Department shall exercise the powers vested by this Act in Abkaree Officers for the seizure of illicit opium and the arrest of persons found in prossession thereof, and in respect to such seizure and arrests shall be held and deemed to be abkaree Officers within the meaning of this Act.—*Act XXI.* 1856, *sec.* 87.

*For Rules regarding the sale of spirits in Cantonments see para 567 *et. seq.*

Provisions not applicable to the Town of Calcutta.

3355. Nothing in this Act, relating to the grant of linceses for the sale of spirituous and farmented liquors and intoxicating drugs, and the recovery of arrears of tax or duty due under such licenses, to the illicit sale, carrying or possession of spirituous and fermented liquors and intoxicating drugs, and the penalties incurred thereby, and to the appointment, duties and responsibilities of Abkaree Officers, shall extend to the Town of Calcutta; but with respect to all such matters, the provisions of Act XI of 1849, shall continue in full force and effect as if this Act had not been passed.—*Act XXI.* 1856, *sec.* 87.

Saving of provisions of Act XI. 1849.

Commencement of Act.

3356. This Act shall commence and have effect from and after the first day of February 1857.—*Ibid, sec.* 89.

Construction.

3357. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

Government.

The word "Government" shall mean the Lieutenant Governors of Bengal, and of the North Western Provinces.

Board of Revenue.

The expression "Board of Revenue" shall mean the Board of Revenue in Calcutta and the Sudder Board of Revenue at Agra.

Commissioner.

The word "Commissioner" shall mean the Commissioner of a Revenue Division or a Commissioner of Abkaree.

Collector.

The word "Collector" shall include a Deputy Collector, or other Revenue Officer in independent charge of a District, and a Superintendent of Abkaree Revenue.

Magistrate

The word "Magistrate" shall include a Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, and any Assistant or Deputy Magistrate with special powers, stationed at a place other than the Sudder Station of the Magistrate, and empowered to try cases without reference from the Magistrate.

Country spirits.

The expression "Country Spirit" shall mean any spirit made by the native process of distillation.

Intoxicating Drug

The expression "Intoxicating Drugs" shall include ganjah, bhang, Churrus, and opium, and every preparation and admixture of the same.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include females.—*Ibid, sec.* 90.

Appointment of a Commissioner of Excise in the N. W. P.

3357½. A Commissioner of Excise having been appointed in the North Western Provinces under Section 3 Act XXI. of 1856 all Commissioners of Revenue are hereby required to cease from exercising the powers and authority vested in them by the said Act or by Act III of 1856. All functions connected with the Abkaree Department, heretofore residing in Commissioners of Revenue, will, from and after this date, appertain to the Commissioner of Excise. All Collectors, and other Officers, in charge of Districts, and Superintendents of Abkaree in cantonments are desired to address the Commissioner of Excise on all matters relating to the administration of the Abkaree Department; and also to submit their Indents for Opium through the channel of that Office. Such periodical returns as may be prescribed by the Commissioner of Excise will be submitted to his Office.—*Govt. Order N. W. P. No.* 218, *A, Sept.* 21*th,* 1862.

SECTION II.

ADMIRALTY JURISDICTION, LAWS AND RULES RELATING TO.

Preamble.

3358. Whereas an Act was passed in the session holden in the Twelfth and Thirteenth years of Her Majesty, Chapter Ninety-six, "to provide for the prosecution and trial in Her Majesty's Colonies of offences committed within the Jurisdiction of the admiralty and by such Act it was provided, that for the purposes thereof the word "Colony" should mean any Island, Plantation, Colony, Dominion, Fort or Factory of Her Majesty, except the United Kingdom and the Islands of *Man, Guernsey Jersey, Alderney,* and *Sark* and the Islands adjacent thereto respectively, and except also all such Parts and Places as were under the Government of the East India Company: And whereas it is expedient that the provisions of the said Act should extend to all Parts and Places heretofore under the Government of the East India Company in like manner as to other Colonial and Foreign Possessions of Her Majesty: Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in this present Parliament Assembled and the Authority of the same as follows.—23 *and* 24 *Vict. Cap.* 88, *Preamble.*

Provisions of the recited Act to extend to India.

3359. So much of the said Act as excepts the Parts and Places then under the Government of the East India Company, from the interpretation of the word "Colony" shall be repealed, and for the purposes of the said Act the Word "Colony" therein shall include and apply to every Part and Place heretofore under the Government of the East India Company, or which may be under the Government of Her Majesty in India, and all the Provisions of the said Act shall be constructed and take effect accordingly.—*Ibid, sec.* 1.

Provisions for persons entitled to be tried by the Supreme Court of a Presidency.

3360. Provided always. That where any person within any place in India is charged with the Commission of any offence in respect of which jurisdiction is given by the said Act, or where any person charged with the Commission of any such offence is brought for trial under the said Act to any place in *India,* if at any time before his trial be make it appear to the Court exercising criminal jurisdiction in the place where he is so charged or brought for trial, that in case the offence charged had been committed in such place he could have been tried only in the Supreme Court of one of the three Presidencies in India, and claim to be tried by such a Supreme Court accordingly, the said Court exercising Criminal Jurisdiction as aforesaid shall certify the fact and claim to the Governor of such Place or Chief Local Authority thereof, and such Governor or Chief Local Authority thereupon shall order and cause the person charged to be sent in Custody to such one of the Presidencies as such Governor shall think fit for trial before the Supreme Court of such Presidency, and the said Supreme Court and all Public Officers and other persons in the Presidency shall have the same jurisdiction and authorities, and proceed in the same manner in relation to the person charged with such offence, as if the same had been committed or originally charged to have been committed within the limits of the ordinary jurisdiction of such Supreme Court.—*Ibid, sec.* 2.

Attention of Magistrates directed to above act and that given below.

3361. I am directed by the Court to draw your attention to the Act of Parliament 23 and 24 Victoria Cap. 88, entitled "An Act to extend certain provisions for admiralty jurisdiction in the Colonies to Her Majesty's Territories in India" which was published at Pages 2280-82 of the Government Gazette of the 27th October last, and to act 12 and 13 Victoria Cap. 96 referred to in the aforesaid Act and published below.—*C. O No.* 1, *January* 7, 1861, *L. P.*

10 and 11, W 3, c 7, 46 G. 3 c 54

All persons charged in any Colony with offences committed on the sea may be dealt with in the same manner as if the offences had been committed on waters within the Local jurisdiction of the Court of the Colony

3362. Whereas by an Act passed in the eleventh year of the Reign of King Willam the Third entitled *an Act for the more effectual supression of Piracy* it is enacted, that all Piracies, Felonies and Robberies committed on the sea or in any Haven, River, Creek or place, where the Admiral or Admirals have power, authority or jurisdiction, may be examined, enquired of, tried, heard and determined and adjudged in any place at sea, or upon the land in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or factories to be appointed for that purpose by the King's Commission in the manner therein directed, and according to the Civil Law and the method and rules of the Admiralty and whereas by an act passed in the forty-six year of the reign of King George the Third entitled an Act for the speedy Trial of offences committed in distant parts upon the sea, it is enacted that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other offences of what nature or kind soever committed upon the sea, or in any Haven, River, Creek, or Place where the admiral or admirals have power, authority, or jurisdiction, may be enquired of, tried, heard, determined and adjudged according to the common course of the Laws of this Realm used for offence committed upon the land within this Realm, and not otherwise in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts or factories, under and by virtue of the King's Commission or Commissions under the great seal of Great Britian to be directed to Commissioners in the manner, and with the powers and authorities therein provided: and whereas it is expedient to make further and better provisions for the apprehension, custody, and trial in Her Majesty's Islands, Plantations, Dominions, Forts and factories of persons charged with the Commission of such offences on the sea or in any such Haven, River, Creek or place as aforesaid. Be it, therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons in this present Parliament assembled and by the authority of the same. That if any person within any Colony shall be charged with the Commission of any Treason, Piracy, Felony Robbery, Murder, Conspiracy or other offence of what nature or kind soever, committed upon the sea, or in any Haven, River, Creek or place where the admiral or admirals have power, authority, or jurisdiction, or if any person charged with the Commission of any offence upon the sea, or in any such Haven, River, Creek or place shall be brought for trial to any Colony, then and in every such case all Magistrates, Justices of the Peace, public Prosecutors, Juries, Judges, Courts, public Officers, and other persons in such Colony, shall have and exercise the same jurisdiction and authorities for inquiring of, trying, hearing, determining and adjudging such offences, and they are hereby respectively authorized, empowered and required to institute and carry on all such proceedings for the bringing of such persons so charged as aforesaid to trial, and for and auxiliary to and consequent upon the trial of any such person for any such offence, wherewith he may be charged as aforesaid as by the law of such Colony would and ought to have been had and exercised or instituted and carried on by them respectively, if such offence had been committed and such person had been charged with having committed the same, upon any waters situate within the limits of any such Colony and within the limits of the local jurisdiction of the Courts of Criminal Justice of such Colony.—12 *and* 13 *Vic. Cap.* 96, *sec.* 1.

Persons convicted of such offences shall suffer the like punishments as on Conviction of like offences in England

3363. Provided always and be it enacted that if any person shall be convicted before any such Court of any such offence, such person so convicted shall be subject and liable to and shall suffer all such and the same pains, Penalties and forfeitures, as by any law or laws now in force persons convicted of the same respectively would be subject and liable to, in case such offence had been committed and were inquired of, tried, heard, determined and adjudged, in England, any law, statute or usage to the contrary Notwithstanding.—*Ibid, sec.* 2.

3364. Where any person shall die in any Colony of any stroke, poisoning or hurt, such person having been feloniously stricken, poisoned, or hurt, upon the sea, or in any Haven, River Creek, or place, where the admiral or admirals have power, authority, or jurisdiction, or at any place out of such Colony, every offence committed in respect of any such case, whether the same shall amount to the offence of Murder or of Manslaughter or of being accessary before the fact to Murder or after the fact to Murder or Manslaughter may be dealt with, inquired of, tried, determined and punished, in such Colony in the same manner in all respects, as if such offence had been wholly committed in that Colony: and that if any person in any Colony shall be charged with any such offence as aforesaid in respect of the death of any person, who having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such stroke poisoning, or hurt, upon the sea, or in any Haven, River, Creek, or Place, where the admiral or admirals have power, authority, or Jurisdiction, such offence shall be held for the purpose of this Act to have been wholly committed upon the sea.—*Ibid, sec.* 3.

Provision for the trial of Murder and Manslaughter where the death only happens in the Colony or upon the sea

3365. Provided also and be it enacted that nothing in this Act contained shall in any way affect or abridge the jurisdiction of the Supreme Courts of New South Wales and Van. Diemens Land as established by an Act passed in the ninth year of the Reign of King George the Fourth entitled an Act to provide for the Administration of Justice in New South Wales and Van. Diemens Land, and for the more effectual Government thereof and for other purposes relating thereto.—*Ibid, sec.* 4.

3366. For the purpose of this Act, the word "Colony" shall mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except any Island within the United Kingdom and the Islands of Man, Guernsey, Jersey, Alderny, and Sark, and the Islands adjacent thereto respectively, and except also all such ports and places as are under the Government of the East India Company, and the word "Governor" shall mean the Officer for the time being administering the Government of any Colony.—*Ibid, sec.* 5.

Interpretation of terms

3367. This Act may be amended or repealed by any Act to be passed during this present Session of Parliament.—*Ibid, sec.* 6.

Act may be amended

SECTION III.

OF AFFRAY.

3368. The Court warn the Magistrates against a superficial investigation of the causes of Affrays, and against the connivance of the Police Officers and Amlah with the Land-holders, who are generally the instigators of affrays. They observe that, if an affray takes place near a Thana without any exertion of the Darogah to prevent it by timely interposition or notice to the Magistrate, there must be a presumption against him of gross neglect, or corruption and collusion. And they direct therefore the vigilant attention of Magistrates to the conduct of the Police Officers, Zumeendars, and Amlahs, and require their prompt interposition, not only to prevent the immediate mischief, but also to determine the right of possession to the land, which is the subject of dispute. The truth of the case will be best ascertained by witnesses unconnected with either of the parties.—*C. O. No.* 50 *of vol.* 1, *April* 19, 1809.

Magistrate warned against superficial investigation and the connivance of the Police and Amlah with the Zumeendars

TRIAL.

Both parties need not be tried.

3369. It is not necessary that in every case of affray both parties should be committed for trial.—*Const. No.* 778.

There are no accomplices, (abettors) in an affray.

3370. Parties who were themselves implicated in the affray, but have been released by the Magistrate, may be admitted as witnesses.—*Reports, W. P.* 1856, *part* 1, *page* 31.

3371. All parties actually present and taking part in a disturbance of breach of the peace, should be charged as principals. The term accomplice is inapplicable in such a case.—*Reports, W. P.* 1855, *part* 1, *page* 639.

Evidence to be balanced.

3372. The discrepancy of the evidence of the two parties in an affray affords no ground for the acquittal of those charged with being concerned therein: credit must be given to that evidence which appears best supported by the circumstances of the case.—*N. A. R vol.* 3, *page* 221.

Rules for identification of prisoners and for record of the names of those persons whom the Magistrate, on consideration of the case, determines to prosecute.

3373. In order to identify correctly prisoners tried on charges of affray or riot, in which the accused persons are frequently numerous, and with a view to obtain a record of the parties whom the Magistrate, on consideration of the nature of the case, and of the evidence, determines to prosecute, the Court issued the following rules. *First.*—In all complaints and depositions recorded by the Magistrate, he is carefully to ascertain such particulars of the parties accused as shall unmistakeably indicate the persons spoken of, giving the names of their fathers and of their place of residence, or, failing these, some other particulars which should as far as possible fix the identity of each individual. *Second.*—The Magistrate is invariably to record in one, or in successive proceedings if necessary, the names and description of those whom, not being already arrested, it is his purpose to prosecute for the offence in question. *Third.*—The Magistrate is to direct his Police Officers to record the same particulars in all complaints and informations taken by them.—*C. O. No.* 52, *October* 29, 1857.

Where presence is not criminal, active participation must be shown.

3374. In an outbreak and riot attended with homicide which occurred during the procession of the mohurrum, it was held that as the presence of the Mahomedans, however great may have been their number, was not a criminal presence, and as there was nothing illegal in the ceremony in which they were engaged, therefore those only, who could be shown to have been guilty of any overt act, or in other words to have taken an active part in the riot, were liable to punishment. Reports, W. P. 1856, part 1, page 176. Proof of the mere presence of certain persons on the spot during a riot is not sufficient to warrant conviction. It is requisite in such cases that it be proved that the prisoners took an active part in the proceedings of the rioters.—*Reports, W. P.* 1854, *part* 1, *page* 557.

Or that the force used in resisting was greater than was requisite.

3375. In a trial for riot with homicide, which arose from the attempt of the servants of an Indigo Factory to sow lands by force, the Court held that the only question was, whether the force used by the villagers to resist and drive away the Factory people was so much greater than the occasion required, that it cannot be pleaded in justification of their acts.—*Reports, L. P.* 1855, *part* 2, *page* 767.

But each participator is responsible for the whole result.

3376. But where a man is the acknowledged adherent of one of the parties engaged in the affray and it is shown that he joined in it with the object of attacking or resisting the force opposing the party, it is a matter of no consequence whether he struck the person killed in self-defence or not. His overt acts, as a party concerned, render him responsible for the whole result of the encounter.—*Reports L. P.* 1855, *part* 2, *page* 424.

The party in the wrong cannot be held responsible for homicide of persons on their own side.

3377. In an outbreak in Jail where the Sepoys were obliged to fire on the convicts in order to check their attack upon the authorities, and one man was killed and others wounded, it was ruled that the prisoners could not be held legally responsible for the homicide or wounding, although it necessarily arose from the acts of the prisoners.—*Reports, L. P.* 1855, *part* 2, *page* 641.

Parties opposing the entry of a purchaser of a putnee Talook are to bear the entire responsibility of a consequent breach of the peace.

3378. Should the late incumbent of a putnee Talook, or his late under tenants, continue to oppose the entry of the new purchaser, notwithstanding the issuing of a proclamation by the Civil Court declaring the just rights of the latter (for which he is at liberty to apply on meeting with opposition,) or should there be reason to apprehend a breach of the peace on the part of any one, the aid of the Police Officers, and of all Public Officers, who are at hand and capable of affording assistance, is to be given to the new purchaser on his presenting a written application for the same; and in the event of any affray or breach of the peace occuring, the entire responsibility is

to rest with the party opposing the lawful attempt of the purchaser to assume his rights —*Reg. VIII.* 1819, *sec.* 15, *cl.* 3.

Persons, profiting by an affray cannot be punished without proof of instigation or connivance

3379. It would be illegal to punish the persons who profited by an affray, unless there were proofs that the person so punished had been guilty of instigating or conniving at it. Mere suspicion of instigation or connivance cannot warrant the infliction of punishment.—*Const. No.* 619, *C. O. No* 63 *of vol.* 2, *Dec.* 3, 1830.

Cases in which the servants of an Indigo Factory have been engaged.

3380 Under orders of Government, the Magistrates are required to submit to the Commissioners of circuit, for their examination, every case of violent affray, attended with aggravating circumstances, in which the servants of an Indigo Factory have been engaged, whether the European at the head of the establishment has been included in the charge or not. The Commissioner of circuit is to furnish with his annual report, in his capacity of Superintendent of Police, a specific statement of such cases.—*C. O. No.* 22, *of vol.* 2, *May* 1, 1822.

For the punishment for affray, riot and unlawful Assembly see Chapter XI.

SECTION IV.

OF APPRENTICE

Child of certain age may be bound apprentice by guardian.

3381. Any child above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment for such term as is set forth in the contract of apprentice-ship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.—*Act I*, 1850, *sec.* 1.

Age set forth in contract is evidence of age of child.

3382. The age set forth in the contract shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.—*Ibid, sec.* 2.

Magistrate or J. of P may act as guardian respecting certain children.

3383. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate, of vagrancy, or the commission of any petty offence.—*Ibid. sec.* 3.

Orphan or poor boy brought up by public charity.

3384. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his & her guardians for this purpose.—*Ibid, sec.* 4.

Any such boy may be bound apprentice in the sea service of Her Majesty's subject.

3385. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any registered-ship belonging to and trading from any port in the territories under the British Government in India, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.—*Ibid, sec.* 5.

Or of Government.

3386. Any such boy may be bound in like manner for sea service in any ship of the Government belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any Officer appointed

to represent the Government in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.—*Act XIX.* 1850, *sec.* 6.

Master or commander of ship to be deemed agent of the party, to whom apprentice is bound

3387. The Master or commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.—*Ibid, sec.* 7.

Form of contract of apprenticeship

3388. Every contract of apprentice-ship shall be in writing, according to the form given in the schedule (A) (3406) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.—*Ibid, sec.* 8.

By whom should the contract be signed.

3389. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but when the apprentice is bound by the Governors, Directors or Managers of a public charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.—*Ibid, sec.* 9.

Office in which the contract should be deposited.

Copies to be given by person in charge of the office.

Such copies will be evidence of the contract

3390. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the Office of the Chief Magistrate of the place or District where it has been executed, or if the apprentice is bound to the sea service, in the Office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose Office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the hand-writing of the Magistrate or Registering Officer.—*Ibid, sec.* 10.

Terms of service may be changed subject to certain conditions

3391. The terms of service may be changed at any time during the apprentice-ship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the Office copies, which shall be brought to him at the same time for that purpose.—*Ibid, sec.* 11.

Master of apprentice may assign him to another under certain conditions

3392. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions, thereof; provided that such person shall by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively; and every such assignment shall be certified on the Office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) (3407) annexed to this Act.—*Ibid, sec.* 12.

Complaint of cruelty or ill treatment before Magistrate

3393. Upon complaint made to any Magistrate in the said territories by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprentice-ship, or of cruelty, or other ill treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his Jurisdiction, to

appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved,) may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprentice-ship, and assess upon the Offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than fifty Rupees was paid, not exceeding Two hundred Rupees; and, if the Offender shall not pay the sum so assessed; may levy the same by distress and sale of his goods and chattles, and if the Offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.—*Act XIX.* 1850, *sec.* 13.

Upon proof of complaint, contract can be cancelled and fine levied upon master or agent.

Levy of fine.

3394. No contract of apprentice-ship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprentice-ship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprentice-ship.—*Ibid, sec.* 14.

Above Section does not apply to cases of moderate chastisement.

Action under above section does not bar criminal proceedings for the act to which the offender may be liable under law.

3395. Upon complaint made to any Magistrate by or on behalf of the master of any apprentice bound to him under this Act, of any ill behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a Criminal Gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped; or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.—*Ibid, sec.* 15.

Ill behaviour of apprentice.

3396. Upon complaint of wilful and repeated ill behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprentice-ship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved; and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.—*Ibid, sec.* 16.

In what case contract may be cancelled on complaint of master.

3397. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.—*Ibid, sec.* 17.

Disposal of sums recovered on behoof of apprentice.

3398. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one

Limitation of time for cognizance of actor

month after the arrival thereof at a port or place in the said territories; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a part or place in the said territories.—*Ibid, sec.* 18.

Death of Master.

3399. If the master of any apprentice shall die before the end of the apprentice-ship, the contract of apprentice-ship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.—*Act XIX.* 1850, *sec.* 19.

3400. If such offer to keep the apprentince shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprentice-ship; and also on the Office copies thereof, by the Magistrate, or Registering Officer, and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprentice-ship.—*Ibid, sec.* 20.

Apprentice entitled to three month's maintenance from assets of deceased under certain conditions.

3401. Any apprentice bound under this Act whose master shall die during the apprentice-ship, shall be entitled to maintenance for three months from and after the death of his master out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.—*Ibid, sec.* 21.

Bankruptcy or insolvency of Master

3402. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an Act of insolvency, during the apprentice-ship, shall be discharged from all obligation under the contract of apprentice-ship; and if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the Bankrupt or Insolvent.—*Ibid, sec.* 22.

Jurisdiction of Magistrates

3403. For the purposes of this Act all British subjects, wherever or of whatever parents born, as well as other persons in the British Indian territories without the Towns of Calcutta and Madras and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Mofussil Courts and Magistrates.—*Ibid, sec.* 23.

Mofussil

Appeal.

3404. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of session to which such Magistrate is subordinate, provided the Appeal is made within one month from the date of the order.—*Ibid, sec.* 24.

Interpretation of terms

3405. In this Act the words "master," "owner," "person" and the pronoun, "he" shall be understood to include several persons as well as one person, females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.—*Ibid, sec.* 25.

Form of contract

3406. This agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B., doth this day bind E. F. a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for years

(in the case of a girl add, or until the time of her marriage, which shall first happen) during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things towards the said C. D., and his (or her) family, and the said C. D., for himself (or herself) and his (or her) executors and administrators, in consideration [of the premium or sum of paid by the said A. B., to the said C. D., the receipt whereof the said C. D., hereby acknowledges, and] of the faithlul service of the said E. F., doth convenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit, and reasonable for an apprentice; (and further here insert any special convenants.)

In witness whereof the parties have hereunto set their hands and seals, the day and year above written.

A, B, L S

C, D, L S

Act XIX. 1850, *Schedule A.*

Form of order of assignment to be endorsed on the agreement.

3407. Be it known to all men that on the day of in the year personally appearred before G. H., Magistrate of C. D., of with E. F., his (or her) apprentice and J. K., of and desired that the Agreement of Apprenticeship, whereby the said E. F., was bound to the said C. D., might be assigned and made over to the said J. K.; and the said G. H., having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of [the said E. F., and of] all person whose consent thereunto by law is required, doth allow such asignment: and the contract of apprenticeship whereby the said E. F., was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall henceforth endure, unto the end of the said term, as if the said J. K., had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself, (or herself) his (or her) executors or administrators, to fulfil the convenants by the said C. D., to be performed, and the said E. F., shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D., C. D., E. F., J. K.,

In witness whereof the said C. D., E. F., and J. K., have hereunto set their hands before me the day and year above written.—*Ibid, Schedule B.*

SECTION V.

Of arms and ammunition

Manufacture of cannon &c without authority of Government prohibited

Penalty

3408 No person in India unless authorized by Government, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, and whoever not being so authorized, shall manufacture or assist in manufacturing any cannon, howitzer, or mortar, shall be liable to a fine not exceeding one thousand Rupees and to imprisonment with or without hard labor for a period not exceeding three years —*Act XXXI* 1860, *sec* 2

Permission to possess cannon &c to be in writing and to specify number permitted to be possess

3409 Whenever the local Government shall permit any person to possess any cannon, howitzer, or mortar, such permission shall be in writing and signed by the Secretary to the Government, and shall specify the number of cannons, howitzers, or mortars permitted to be possessed by such person A fee of fifty Rupees shall be paid on the delivery of such written permission —*Ibid, sec* 4

Manufacturing or dealing in arms and ammunition without license prohibited

3410 No person shall manufacture, repair, or sell, or keep, or expose for sale any arms of the description hereinafter mentioned, or shall manufacture, or sell, or keep, or expose for sale, percussion caps, sulphur, gunpowder, or other ammunition, except under a license to manufacture or deal in arms or percussion caps, sulphur gunpowder, or other ammunition as the case may be, and any person who shall manufacture, repair sell or keep or expose for sale any of such arms or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and all arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to the offender shall be forfeited, if the Court or Officer before whom the offender is convicted shall so adjudge —*Ibid, sec* 5

Penalty

Specification of arms referred to in section 5

3411 The following are the arms referred to in Section V namely, Fire arms, bayonet, sword, dagger, spear, and spear-head —*Ibid, sec* 6

Licenses by whom to be granted

3412 Licenses to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition may be granted by a Magistrate, or by an Officer authorized by the Governor-General of India in Council, or by the executive Government to grant such license —*Ibid, sec* 7

Form &c of license

3413 Licenses granted under the last preceding Section shall be in the form prescribed by the Governor General of India in Council, and shall be engrossed on a stamp paper of the value of ten Rupees The stamp paper shall be furnished by the person applying for the license A separate license shall be taken out for the sale of sulphur —*Ibid, sec* 8

Form of license to manufacture or deal in arms and ammunition except sulphur

3414 Licence

Is hereby granted under the authority of Act XXXI of 1860 sec 7 to of for the period of one year from the date hereof to manufacture and repair fire arms, bayonets, swords, daggers, spears, and spear heads, and to manufacture percussion caps, gunpowder and other ammunition at the premises No and to deal in, sell, or keep, or expose for sale the arms and ammunition above mentioned in the premises No.

in subject to the conditions prescribed in the said Act and particularly in Sections 9, 10, 14, 15, and 16 thereof —

Dated this Day of 186 *Govt Res N W P Oct* 13, 1860 *Form A*

3415. License

Is hereby granted under the authority of Act XXXI of 1860 Section 7 and 8 to of for the period of one year from the date hereof to deal in and sell sulphur at the premises No. in subject to the conditions and restrictions prescribed in the said Act, and particularly in Sections 9, 10, 14, 15, and 16, thereof. Dated this day of *Ibid, Form B*

Form of license to manufacture or deal in sulphur.

3416. Every person to whom such license shall be granted shall affix a Board in a conspicuous part of his shop or usual place of business, and shall cause to be painted thereon in large letters in the vernacular of the district the words licensed to manufacture or deal in arms or percussion caps, sulphur, gunpowder or other ammunition as the case may be.—*Act XXXI.* 1860 *sec.* 9.

License to affix a board in a conspicuous part of his shop.

3417. Licenses granted under section 7 of this Act shall be in force for one year from the date thereof.—*Ibid, sec.* 12.

Duration of license.

3418. Every person licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder, or other ammunition, shall enter in a book to be kept by him for that purpose an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of arms, percussion caps, sulphur, gunpowder or other ammunition sold by him, together with the nature, description, and quantity of such arms, percussion caps, sulphur, gunpowder, or other ammunition. Such book shall be open at all times to inspection by the Magistrate or other Officer duly authorized by Government in that behalf, by whom copies may be taken of all entries therein contained. if any such person shall omit or fail duly to keep such book, or to make therein all such entries, as are hereby required, or if any person shall prevent or obstruct the inspection of such book or shall make a false entry therein, he shall be liable for every such offence to a fine not exceeding five hundred Rupees in addition to double the value of any arms, percussion caps, sulphur, gunpowder or other ammunition sold, of which he shall fail to make such entry, or respecting which he shall make a false entry, and, if the offender be licensed to manufacture or deal in arms, percussion caps, sulphur, gunpowder or other ammunition, he shall also forfeit his license if the Magistrate shall so adjudge.—*Ibid, sec.* 14.

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

Inspection of book.

Penalty.

3419. The Magistrate or other Officer authorized by Government as aforesaid, may at any time enter the premises in which arms, percussion caps, sulphur, gunpowder, or other ammunition shall be manufactured or kept by any licensed manufacturer or dealer in arms, or percussion caps, sulphur, gunpowder or other ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer, and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid, any part of his Stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labour for a period not exceeding two years, or to both fine and imprisonment, and any arms, percussion caps, sulphur, gunpowder, or other ammunition belonging to such person may be seized, and shall be confiscated if the Magistrate shall so adjudge.—*Act XXXI.* 1860, *sec.* 15.

Magistrate or other Officer may inspect dealer's premises

3420. Any licence granted under the provisions of section 7 may be granted, subject to such conditions as shall be thought necessary, and may be revoked or suspended by the Officer authorized to grant such licenses whenever he may think fit.—*Ibid, sec.* 16.

Revocation of license to manufacture or deal in arms or ammunition

3421. No cannon, howitzer, or mortar, and no arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition shall be imported either by sea or by land into any part of the territories in the possession and under the Government of India, except under a license from the Governor General of India in Council, or from some Officer authorized in that behalf by the Governor General of India in Council.—*Ibid, sec.* 17.

Cannon and arms and ammunition not to be imported without license.

Certain Officers authorised to grant licenses under above Section.

3422. Under Section 17 Act 31 of 1860, the Governor General in Council hereby authorizes the Chief Officer of Police in every sea-port, town and frontier District in India to grant licenses for the importation into such sea-port, town or frontier District, of arms, percussion caps, sulphur, saltpetre, gunpowder and other ammunition, subject to the general control and directions of the chief executive authority of the Presidency or place. Provided that no Officer shall have authority to grant any license except for the importation of such articles into the town or district within his Jurisdiction.—*Order of Govt. of India No.* 262, *January* 13, 1862.

Importation of arms and ammunition for private use.

3423. The provisions of the last two preceding Sections shall not extend to arms, percussion caps, gunpowder, and other ammunition imported by any person in reasonable quantities for his own private use; but the Collector of Customs may, at any time, detain any such articles if he shall think it necessary, until he shall receive the orders of Government.—*Act XXXI.* 1860, *sec.* 19.

Seizure and detention of sulphur by Government.

3424. The Governor General of India in Council or the local Government may at any time seize all sulphur in the possession of any person and detain the same for such time as they may deem necessary for the public safety.—*Ibid, sec.* 20.

Exception.

3425. Nothing in this Act shall apply to sulphur kept or sold in reasonable quantities for medicinal purposes.—*Ibid, sec.* 21.

Government may prohibit transport of arms, ammunition, military stores &c.

3426. The Governor General of India in Council may by order prohibit the transport of any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition, or any particular description of arms, ammunition, or military stores from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof, except according to such rules and conditions as may be specified in the order, and the local Government of any presidency or place shall have the like power within the territories under its Government.—*Ibid, sec.* 22.

Provisions of two preceding Sections not to apply to Districts not ordered or liable to be disarmed under Section 32.

3427. Nothing in the last two preceding Sections shall extend to arms, percussion caps, gunpowder, and other ammunition transported by any person in reasonable quantities for his own private use in any District or place not ordered or liable to be disarmed under Section 32 of this Act.—*Ibid, sec.* 24.

Persons conveying arms ammunition, &c under suspicious circumstances may be apprehended without warrant.

3428. If any person shall be found carrying or conveying any arms, military stores, percussion caps, sulphur, gunpowder or other ammunition, in such a manner, or under such circumstances, as to afford just grounds of suspicion that the same are being carried by such person with intent to use the same or that the same may be used for any unlawful purpose, dangerous to the public place, it shall be lawful for any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, or for any other person to apprehend without warrant the person so carrying or conveying such arms, military stores, percussion caps, sulphur, gunpowder, or other ammunition; and to detain such person in custody, in order that he may be dealt with according to law. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate or Assistant to a Magistrate or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by, or delivered to a Police Officer under the provisions of this Section, shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.—*Ibid, sec.* 25.

Procedure if apprehended by other than Magistrate, &c.

Penalty for going armed or carrying arms without license.

3429. If any person shall go armed with, or carry any arms of the description mentioned in section 6 of this Act, without having obtained a license from a Magistrate or other Officer authorized by the Governor General of India in Council, or the local Government authorizing him to carry arms, he shall be liable to be disarmed by any Magistrate, Joint Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if in the judgement of such Magistrate or other Officer as aforesaid, it is dangerous to the public peace to allow such person to go armed or to carry arms.—*Ibid, sec.* 26.

3430. The provisions of the last two sections do not apply to Officers, Non-commissioned Officers, Warrant Officers, Soldiers, and Sailors, in the Military or Naval service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service.

Exemptions. Commissioned non Commissioned and warrant Officers. Soldiers and Sailors.

Members of Volunteer Corps in respect of such arms and ammunition.

Volunteers.

Police and Revenue Officers and other persons, in respect of arms and ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

Police and Revenue Officers.

Such other persons as the local Government may think fit to exempt from such provisions.—*Act* XXXI. 1860, *sec.* 27.

Other persons.

3431. Licenses to carry arms may be granted by any Magistrate or other Officer specially authorized by the Governor General of India in Council or the local Government to grant such licenses; and may be revoked or suspended by any Officer authorized to grant such license whenever he may think fit.—*Ibid*, *sec.* 28.

Grant or revocation or suspension of licenses to carry arms.

3432. The license shall be in the form prescribed by the Governor General of India in Council.—*Ibid*, *sec.* 29.

Form of license

3433. License

Is hereby granted to of under authority of Act XXXI. of 1860 Section 28 to carry arms and to go armed.

Insert these words when a license for followers is applied for and granted, but omit them in other cases.

This license extends to the followers of to the number of and the number and description of arms to be carried by each follower may be Dated this day of 186 .—*Res. Govt. N. W. P.* 13*th Oct.* 1860, *Form C.*

3434. The license shall state whether its operation is limited to the person in whose favor it is granted and whom it shall mention by name, or whether it extends to any of his followers. In the latter case the number of the followers of such person licensed to carry arms, and the number and description of arms to be carried by each of such followers shall be specified.—*Act XXI.* 1860 *sec.* 30.

License to state name of grantee, and number of followers to whom it is to apply.

3435. Whenever a Magistrate shall have reason to believe that any person residing within the limits of his jurisdiction, has in his possession any arms of the description mentioned in section 6 of the Act, or percussion caps, sulphur, gunpowder, or other ammunition, for any unlawful purpose, or that such person cannot in the judgment of the Magistrate be left in the possession of any such arms, percussion caps, sulphur, gunpowder, or other ammunition, without danger to the public peace, it shall be lawful for such Magistrate, having first recorded the grounds of his belief, to cause a search to be made of the house or premises occupied by such person, or on which the Magistrate may have reason to believe such arms, percussion caps, sulphur, gunpowder, or other ammunition to be found, and to seize and to detain the same in safe custody for such time as he may deem necessary. The search in such case shall be conducted by or in the presence of the Magistrate, or by or in the presence of a Joint Magistrate, or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military, to be specially empowered by Government.—*Ibid*, *sec.* 31.

Search and seizure of arms, and ammunition in certain cases.

3436. It shall be lawful for the Governor General of India in Council, or for the Executive Government of any Presidency, or for any Lieutenant-Governor, or with the sanction of the Governor General in Council for the Chief Commissioner or Commissioner of any Province, District, or Place, subject to their administration respectively, whenever it shall appear necessary for the public safety to order that any Province, District or Place shall be disarmed.—*Ibid*, *sec.* 32, *cl.* 1.

Executive Government may order any district or place to be disarmed.

3437. In every such Province, District, or place, as well as in any Province, District, or

Possession of arms and ammu.

nition without license prohibited.

Place, in which an order for a general search for arms has been issued, and is still in operation under Act. 28 of 1857, it shall not be lawful for any person to have in his possession any arms of the description mentioned in section 6 of this Act, or any percussion caps, sulphur, gunpowder, or other ammunition without a license.—*Act* XXXI. 1860, *sec.* 32, *cl.* 2.

Grant of licenses &c

3438 Licenses to have in possession any arms of the description mentioned in Section 6 or percussion caps, sulphur, gunpowder, or other ammunition, may be granted by any Magistrate or other Officer specially authorized by the Governor General of India in Council, or the Local Government to grant such Licenses, and may be revoked or suspended by any Officer authorized to grant such Licenses whenever he may think fit. The Licenses shall be in the form prescribed by the Governor General of India in Council or by the Local Government.—*Ibid, cl.* 3.

Form of license.

3439 License

Is here by granted under the authority of Act XXXI of 1860, sec. 32 cl. 3 to of to have in his possession the arms and ammunition hereunder specified.

	Number or quantity of each.
Fire arms	
Bayonets	
Swords.	
Daggers.	
Spear heads.	
Percussion caps.	
Gunpowder.	
Sulphur.	
Other ammunition.	

Dated this day of 186 —*Res. Govt. N. W. P. October* 13*th*, 1860, *From D.*

License to travellers to carry arms

3440. If any person shall have a License from the Magistrate of the District or place at which he resides, or may be, to carry on a journey such arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a License stating the name and address of such person, the route by which he intends to proceed, the time which such journey is expected to occupy, and the arms which he is permitted to carry, such License shall have the same force, and effect according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.—*Act* XXXI. 1860, *sec.* 32, *cl.* 4.

Form of License under above Section.

3441. License

Is hereby granted under the authority of Act XXXI. of 1860, sec. 32, cl. 4 to of to carry the following arms that is to say on a journey from to proceeding *via* which journey is to commence on the day of and is expected to occupy the space of days or thereabout, the above-mentioned arms being considered by me reasonable for his private use.

Dated this day of 186 .—*Res. Govt. N. W. P. October* 13*th*, 1860, *From E.*

Publication of order for disarming.

3442. In every Province, District, or place, which shall be ordered to be disarmed, the order of the Governor General of India in Council, or of the Local Government, shall be published in the Calcutta Gazette, or in the Gazette in which the orders of the Governor General of

India in Council, or of the Local Government making the order, as the case may be are usually published, and shall also be made public in such other manner as the Governor General of India in Council or the Local Government shall direct.—*Act* XXXI. 1860, *sec.* 32, *cl.* 5.

Penalty.

3443. Every person who, after the expiration of the time mentioned in such order in any Province, District, or place to which this section shall be extended, or who after the 1st day of October 1860, in any Province, District, or place, in which an order for a general search for arms has been issued, and is still in operation as aforesaid, shall have in his possession or custody any such arms as aforesaid, or any percussion caps, sulphur, gunpowder, or other ammunition without such License as aforesaid, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees, and it shall be lawful for the Magistrate or other Officer mentioned in the order to search or cause to be searched any house or premises occupied by such person, or in which the Magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder or other ammunition are concealed. —*Ibid, cl.* 6.

Search.

3444. The search shall be conducted by or in the presence of the Magistrate, or by or in the presence of a Joint or Deputy Magistrate, or European Assistant, or by or in the presence of some European Officer, Civil or Military appointed by Government to conduct such searches; and all such arms, percussion caps, sulphur, gunpowder, and other ammunition found on such search shall be confiscated.—*Ibid, cl.* 7.

Exemptions.

3445. The Provisions of this section shall not extend to any person or persons exempted by the authority of the Governor General of India in Council, or of the Local Government of the proclaimed District, or by any European Officer serving in such District duly authorized by the Local Government in that behalf.—*Ibid, cl.* 8.

Penalty for refusing to produce, or for concealing arms &c. searched for.

3446. If on any such search being made under the provisions of either of the last two Sections, any person having in his possession or power any such arms, percussion caps, sulphur, gunpowder, or other ammunition, or knowing where such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed, shall refuse to produce or point out the same to the Officer making the search; or if any person shall intentionally conceal or attempt to conceal any such arms, percussion caps, sulphur, gunpowder, or other ammunition, such person may be apprehended without warrant, and shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees.—*Act* XXXI. 1860, *sec.* 33.

Cognizance of offences.

3447. Except as otherwise provided, all offences under this Act may be tried by any Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, unless the period of imprisonment to which the offender may be liable exceed that which the Magistrate, Joint Magistrate, or other Officer as aforesaid is competent to award under the laws for the time being in force in the Presidency or place in which such Magistrate, Joint Magistrate or other Officer as aforesaid is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Magistrate, Joint Magistrate or other Officer as aforesaid, the offender shall be committed for trial before the Session Judge, if the evidence given before such Magistrate, Joint Magistrate, or other Officer as aforesaid, shall appear to such Magistrate, Joint Magistrate or other Officer sufficient for the conviction of the accused.—*Ibid, sec.* 35.

District in which certain offences shall be tried.

3448. Except as aforesaid all offences declared to be punishable under this Act with fine, or fine and imprisonment, may be tried in the District or place in which the offence was committed, or in which the person charged with the same is apprehended.—*Ibid, sec.* 36.

Magistrate may refer offences

3449. A Magistrate may refer for trial and decision any charge of an offence hereby made

punishable with fine to his Assistants for trial.

punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force subject to all the rules applicable to criminal cases deputed to such Assistant acting judicially.—*Act* XXXI. 1860, *sec.* 37.

Local Government may authorize Assistants to exercise such powers without reference by Magistrate

3450. The Local Government may give general authority to any such Assistant to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.—*Ibid, sec.* 38.

Magistrate may call for any case pending before such Assistant

3451. A Magistrate may at any time call from any of his Assistants any case pending before such Assistants.—*Ibid, sec.* 39.

Jurisdiction over British subjects committing certain offences beyond the limits of Supreme Court.

3452. If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction, before one of the said Supreme Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.—*Ibid, sec.* 40.

Summary jurisdiction in respect of certain offences committed within the limits of the Supreme Court.

3453. If any offence which by this Act is declared to be punishable with fine, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature, established by Royal Charter, such offence shall be punishable upon summary conviction by any Police Magistrate of the Presidency Town or Station in which such Court is held.—*Ibid, sec.* 41.

Conviction to be quashed on merits only

3454. No conviction, order, or judgment under the last preceding section shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of certiorari, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.—*Ibid, sec.* 42.

All other offences committed within limits of Supreme Court punishable by such Court.

3455. All other offences punishable under this Act, which shall be committed within the local limits of any Court of Judicature established by Royal Charter shall be punishable by such Court.—*Ibid, sec.* 43.

Levy of forfeiture and penalties by distress.

3456. All forfeitures or penalties imposed under the authority of this Act for offences punishable by any Magistrate of Police or by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may in case of non-payment thereof, be levied by distress and sale of the goods and chattles of the offender by Warrant under the hand of any of the above-mentioned Officers.—*Ibid, sec.* 44.

Procedure until return is made to warrant of distress

3457. In case any such forfeitures or penalties shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such Warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the Warrant of distress.—*Ibid, sec.* 45.

Imprisonment if distress not sufficient

3458. If upon the return of such Warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise, that he has not sufficient goods and chattles whereupon such fine or sum of money could be levied if a Warrant of distress were issued, any such Officer may, by Warrant under his hand, commit the

offender provided he is not a European British subject, to prison, there to be imprisoned according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed 50 Rupees, and for any term not exceeding 4 calendar months when the amount shall not exceed 100 Rupees, and for any term not exceeding 6 calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount —*Ibid, sec* 46

Levy of fines from European British subjects

3459 If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District, wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court —*Ibid, sec* 47

Rewards to informers

3460 Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place —*Ibid, sec* 48

Notice and limitation of suits

3461 No suit, action or other proceeding shall be commenced or prosecuted against any person for any thing done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action, and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding —*Ibid, sec* 49

Parts of district may be withdrawn from the operation of the Act and again made subject to it

3462 It shall be lawful for the Governor General of India in Council, or for the Executive Government of any Presidency, or for any Lieutenant-Governor, or with the sanction of the Governor General of India in Council, for any Chief Commissioner of any province, from time to time, to withdraw from the operation of all or any of the provisions of this Act, any part or parts of any District or place, and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act —*Ibid, sec* 50

Act not intended to alter or affect any other law relating to licenses

3463 Nothing in this Act shall be construed to alter or affect the provisions of any Law or other Regulation for the time being in force relating to Licenses —*Ibid, sec* 51

Award of hard labor not commutable to fine

3464 Whenever an award of hard labor is made under this Act, the Court shall not commute such labor to the payment of a fine under Regulation II 1834 (now repealed) of the Bengal Code —*Ibid, sec* 52

Grant of licenses in presidency Towns

3465 All licences which may by this Act be granted by a Magistrate, may in the Presidency Towns be granted by a Commissioner of Police —*Ibid, sec* 53

Interpretation of the word India

3466 The Word "India" in this Act shall mean the Territories which are or may become vested in Her Majesty by the statute 21 and 22 vic c 106 entitled "An Act for the better Government of India"—*Ibid, sec* 54

Commencement and duration of Act

3467 This Act shall take effect from and after the 1st day of October 1860 This Act shall continue in force for five years from the said 1st day of October —*Ibid, sec* 55

General instructions for enforcement of Act 31 1860

3468 With reference to Act 31 1860, the Governor General in Council thinks it desirable to communicate to the local Governments his views upon some points of the law, and to indicate some general instructions as to its application and enforcement, which should be given to all Magisterial and Police Officers —*Letter of the Govt of India No* 2158, *28th September*, 1860 *para* 1

Objects of the Act

3469 The objects of the above Act are

Section 2 to 25

I To regulate the manufacture and possession of cannon the manufacture of and dealing in arms and ammunition, their importation and transport for purposes of trade

Section 26 to 30

II To prevent the carrying of arms, except by persons requiring them for lawful purposes, and who may be allowed to carry them without danger to the public peace

Section 31.

Section 32 to 34

III. To prevent arms or ammunition being accumulated for unlawful purposes.

IV. To enable the Government to proclaim any district, and to disarm all persons therein who are not specially licensed to possess arms and ammunition.—*Ibid, para* 2.

3470. Under the first head, few instructions for carrying out the Act will be necessary beyond a general caution against vexatious interference with ordinary retail dealers in such arms and ammunition as are commonly needed for lawful and necessary purposes *Ibid, para.* 3.

Vexatious interference to be avoided.

3471. There are whole classes of shop-keepers whose general dealings are confined to arms and ammunition used almost exclusively for sporting purposes. More interference than is necessary to ensure compliance with the provisions of the act regarding licenses, would, in such cases, be alike unnecessary and vexatious; and even persons who deal in other descriptions of arms, or ammunition, should not be subject to more supervision than is necessary to enable the Magistrates and Officers of Police to judge when such arms are introduced in to the country in unusual quantities, and to prevent their being disposed of to dangerous or die affected classes.—*Ibid, para.* 4.

Licenses under Sections 28 to 30 to be freely given on adequate cause being shown

3472. Under the second head it should be carefully explained to all Magisterial and Police Officers that there are circumstances under which it is unnecessary, and contrary to the spirit of the Act, to interfere with persons carrying arms. Persons holding a license under Sections 28 to 30 are, by law exempt from all interference; and such licenses should be freely, given to all who can show reasonable cause for requiring habitually to carry arms for their amusement, or self defence, or for any other lawful purpose. There are many part, of the country where the cultivators cannot, without arms, protect themselves and their crops or cattle, from wild animals; and, in all localities, care should be taken that the poorer and less intelligent classes find no difficulty in getting licenses which may enable them to carry and use, without vexatious interference, such arms as may be necessary for such lawful purposes.—*Ibid, para.* 5.

Persons unprovided with license not to be disarmed except in certain cases.

3473. The attention of all Officers charged with the execution of this law should be further carefully drawn to the concluding words of Section 26, from which it will be seen that even persons unprovided with licenses are not to be disarmed, unless in the judgment "of such Magistrate or other Officer as aforesaid, it is dangerous to the public peace to allow "such person to go armed, or to carry arms." Care must be taken that this proviso is observed in good faith by all subordinate Officers, and that persons who cannot reasonably be considered as endangering the public peace, are not harassed when carrying arms, for any necessary or lawful purpose, even should they be unprovided with a license.—*Ibid, para.* 6.

What are the grounds for considering it dangerous to allow carrying of arms.

3474 The ground for considering that it is dangerous to the public peace to allow the carrying of arms, may often be general—as for instance when the habit of going about armed leads a particular tribe or class to more frequent acts of violence than would occur in a population which went habitualy unarmed. In such cases a very moderate but persistent use of the powers given by this Section, and those which follow it, will suffice to alter the habit of the population, and to make it the general custom for all to go unarmed about their ordinary avocations. This is a result which the Government of India earnestly desires to bring about.—*Ibid, sec.* 7.

General in security no valid excuse for going armed.

3475. General in security ought never to be allowed to continue as a valid excuse for a general fashion of going armed, whether such arms are specially needed or not. It is a reproach to a civilized Government to permit such a state of things to exist; and wherever such a cause can be alleged with any show of reason, the true remedy is to improve the Police and general administration, and to give efficient protection to all men in going about their ordinary avocations, without entailing on them the necessity for self defence by force of arms.—*Ibid, para.* 8.

Where British territories are in-

3476 There are no doubt certain localities, where our own territories are much intermixed

with those of native states, in which the practice of carrying arms still prevails; and in such localities it may be difficult to enforce a change in the habits of our subjects, unless accompanied by a similar change in the habits of their neighbours; but such cases are not very common, and might be made still more rare by a good understanding with our independent neighbours. Where real security exists, even a native Government has no objection to forbid the ordinary habit of carrying arms, except by servants of the state, and by men of rank and their immediate retainers.—*Letter of Government of India No.* 2158, *Sept.* 28, 1866, *para.* 9.

termixed with native states.

3477. Section 27 exempts from the operation of the preceding Sections, soldiers, sailors, volunteers, Police and Revenue Officers of Government, and "such other persons as the Local Government may think fit to exempt." This exemption may be made generally applicable to all classes and races which, from their exemplary and uniform loyalty, and general good conduct and obedience to the law, cannot be considered as endangering the public peace by going armed. There are, in nearly every district, classes which have always been exemplary for their general loyal conduct and obedience to the law, who do not habitually carry arms for any illegal purpose, and very rarely misuse them. Such are the European and Eurasian communities, the Armenian, the Parsee and other communities of foreign Asiatic origin. There are, too whole nations of Her Majesty's Indian subjects who have to a man behaved with conspicuous fidelity to the British Government. Regarding these, some special cause of suspicion must in the case of each individual, exist, to overcome the presumption due to their general character, that no person belonging to them will carry arms, except for a necessary and lawful purpose.—*Ibid, para.* 10.

Persons who should be exempted from the operation of the Act.

3478. The Governor General in Council is glad to believe that there is no Local Government in India under which such rares and classes are not to be found, and that they often form a vast majority of the population; but it must be left to each administration to determine what particular classes are so notoriously and habitually loyal and well behaved, that a general permission to them to carry arms without license may be given.—*Ibid, para.* 11.

3479. But even persons exempted under this clause, who are not distinguished by any uniform or Official badge, should be generally advised to provide themselves with licenses under Section 28, with a view to secure themselves from being stopped and questioned where they are not known to the local Officers.—*Ibid, para.* 12.

But even persons of above class should provide themselves with licenses.

3480. Special exemptions may also, under the same clause, be made by name in favor of persons of rank to whom it is considered desirable to extend the privilege of exemption.—*Ibid, para.* 13.

Individual exemptions.

3481. It is also to be observed that inconsequence of the transposition of a section which, originally stood between the present 26th and 27th sections, the exemptions in the latter section are made to extend to section 25, to which when the act was first drafted they were never meant to apply. This is of, little or no moment as regards the Soldiers, Sailors, Volunteers, and Government servants enumerated in the first three paragraphs of the specification of the exempted classes; but it was never intended and would be obviously inexpedient indiscriminately to exempt from section 25 all persons or classes who may be exempted from section 26, under the general power of exemption vested in Govt. by the last clause of section 27. Every exemption therefore should be carefully and specifically limited to carrying arms without a license and not extended so as to cover the suspicious or unlawful carrying or conveying of arms or ammunition, under the circumstances contemplated in section 25.—*Ibid, para.* 14.

Persons generally exempted from Sec. 26 not to be so exempted from Sec. 25.

3482. Under the third head it is only necessary to remark that section 31 will require little more than a general caution against the indiscriminate use of the large powers given, without good ground for suspecting that the arms or ammunition are accumulated for "an unlaw-

What circumstances would justify a search under Sec 31.

ful purpose" or "to the danger of the public peace" such as to justify the search authorized in this section.—*Letter of Government of India No.* 2158, *Sept*, 28, 1860, *para.* 15.

In what cases should a district be proclaimed.

3483. In regard to the fourth head, it is hardly requisite for the Governor General in Council to offer any specific caution on the subject of disarming a district under the powers given in sections 32 to 34. The measure should be resorted to only in cases of serious risk to the public tranquility from the existence of large masses of disaffected population, who have hitherto managed to retain their arms; and no District should ever be proclaimed till the means of carrying out the disarming promptly and effectually have been secured, and every care should be taken to avoid needless harassment of the peaceably disposed.—*Ibid.*

Certain clases exempted in N. W. P.

3484. Under section 27 of Act 31 of 1860 the Lieutenant Governor is pleased to exempt all European and Anglo Indian British subjects, as well as all Armenians from the operation of sections 26 and 32 of the Act.—*Res. Govt. N. W. P.* 13*th*, *Oct.* 1860, *para.* 3.

Natives of rank &c. to be exempted.

3485. Natives of rank with their retainers, and natives of tried loyalty and respectability will be similarly exempted according to lists which Magistrates are hereby required, severally, to furnish without delay through the authorized channel.—*Ibid*, *para.* 4.

Section 32 operative in certain districts.

3486. The order for a general search for arms, ammunition, sulphur, &c., under section 24 Act 28 of 1857 (rescinded by Act 31 of 1860) will continue in force, and therefore the provisions of section 32 of the new Act will be operative in all those Districts to which the order in question has been declared applicable.—*Res. Govt. N. W. P.* 13*th*, *Oct.* 1860, *para.* 5.

Certain districts exempted from Sec. 32

3487. The Districts of the Jhansie and Jubbulpore Divisions, and the Districts of Ajmere, Neemuch Nimar, Kumaon and Gushwal, to which the above order was not extended, will be exempt from the operation of sec. 32 of the new Act.—*Ibid*, *para.* 6.

Manufacture of cannon &c. prohibited, as also their possession except by natives of exalted rank.

3488. It will be borne in mind, that no person, unless authorized by the Government itself (section 4) can lawfully manufacture or have in his possession any Cannon, Howitzer, or Mortar. The possession of such arms is wholly unnecessary for personal protection. There is, however, no objection to their being kept, in some instances, by natives of exalted rank for ceremonial purposes; but this privilege will only be granted on the recommendation of the Local Officers, who must remember that this distinction should not be solicited in behalf of any person, without due consideration, and without good reason assigned.—*Ibid*, *para.* 7.

Separate license necessary for sale of sulphur.

3489. Under section 8 of the new Act a separate license must be taken out for the sale of sulphur, and no License granted for dealing in arms, percussion caps, gunpowder, or other ammunition, will convey sanction for dealing in sulphur also.—*Ibid*, *para.* 9.

Instructions about granting licenses to dealers in arms &c. and check upon their proceedings.

3490. With regard to sections 14 and 15 of the Act, the Lieutenant Governor invites the particular attention of Magistrates to the check which is thereby provided upon the operations of dealers in arms, percussion caps, sulphur, gunpowder or other ammunition, by giving Magistrates the power of inspecting the store and sale books of the dealers and imposing penalties in case of failure to keep up the books or of making false entries therein, or for obstructing its inspection Magistrates will understand that the inspection of these books is no unimportant part of their duty under the Act, but they will be careful not to exercise a vexatious interference with dealers, nor indeed, to interfere more than may be necessary to ensure a compliance with the provisions of the Law regarding Licenses. The Magistrates will also bear in mind that they have a discretionary power as to granting Licenses. No person can *claim* a License under the Act. It will be the fault, therefore, of Magistrates, if Licenses fall into the hands of people who are not respectable, or worthy to be entrusted with them; and Magistrates only are hereby authorized to grant these licenses under sec. 7 and 8 of the Act.—*Ibid*, *para.* 10.

3491. The Magistrates in granting a License under section 7 of the Act either to manufacture or deal in arms, percussion caps, gunpowder, or other ammunition will deliver to each license

two books in the appended forms marked A. A. and B. B; the one to be kept up under Section 14 showing his Stock-in-trade and the other for the purpose of showing the sales of each day. The pages of these books shoud be numbered from begining to end, and the first and last page of each should be signed by the Magistrate, or some European Subordinate, and sealed with his Official Seal.—The licensee will be required to pay the cost of these books. The Magistrates, in delivering these books to the licensee, will explain to him necessity of keeping them up regularly, and the penalties attaching to failure to do so. Books in a corresponding form will be delivered to persons licensed to deal in sulphur.—*Gov. Res. W. P. No.* 2680*A*, *Oct.* 13, 1860, *para.* 11.

EXEMPLAR A. A.

Store Book of Resident of Pergunnah of District of

Date.		Fire arms.	Bayonets.	Swords.	Daggers.	Spears.	Spear heads.
1860 1st January.	In store...	250	...	300	50	10	200
	Added to store whether by purchase, manufacture, or otherwise.....	...	...	...	...	...	...
	Sold or otherwise disposed of.....	1	...	2	...	1	...
2nd Jan.	Remaining in store..... .	249	...	298	50	9	200
	Added to store by manufacture or purchase	...	...	...	...	500	...
	Sold.....	10	...	30	50	...	. .
3rd Jan.	Remaining in store... ...	239	...	268	...	509	200
4th Jan.	Remaining in store.....	239	...	268	...	509	200
	Added to store...	...	...	...	...	...	...
	Sold...	2	...	1	...	10	...

EXEMPLAR B. B.

Day book of Resident of Pergunnah of District of

Month.	Date.	Name of purchaser.	Name of Father.	Caste.	Residence.			Article or articles Purchased.	Price Paid.
					Village	Pergh.	District.		
Jany.	1st	Saligram.	Nursingh	Rajput.	Phoolpore.	Jaunpore.	Jaunpore.	1 Match lock. 2 Swords... .. 1 Spear	Rs. 10 15 4

Sections 22 & 23 apply to N. W. P.

3492. Sections 22 and 23 apply to these Provinces because Section 32 has been made operative. These sections place large power in the hands of the Magistrates to prevent the distribution of arms over various parts of the country, and being among the general provisions of the Act may be enforced with some stringency so likewise may section 25 of the Act.—*Gov. Res. W. P. No.* 2680*A*, *Oct.* 13, 1860, *para.* 13.

Grant of licens-

3493. While section 32 is maintained in force, section 26 is of secondary importance Magistrates are hereby authorized under section 28, and under cl. 3 and 4, section 32 of the Act to grant Licenses to carry and to possess arms according to their discretion in the prescribed Forms. These Licenses are under the law liable to no payment, but before granting such, Magistrates must satisfy themselves of the respectability of the parties on whom they propose to bestow them. There is no wish on the part of the Lieutenant-Governor to prevent Licenses for the possession of arms being freely granted to persons of whose loyalty and respectability no doubt whatever is entertained, or to those who can show "reasonable cause for requiring habitually to carry arms for their amusement or self defence or other lawful purpose." This power must be left largely to the discretion of the Magistrates.—Every licensee will be bound to produce his License on the requisition of any Magisterial Officer, or any Police Officer empowered by the Magistrate to make such requisition Licenses of each class should be numbered in serial order.—*Ibid, para.* 14.

Form C for carrying arms.
Form D to posses arms and ammunition.
Form E for carrying arms on a journey.

Licensee bound to produce license

3494. Referring to section 32, the Lieutenant-Governor observes that the active search for arms has been practically discontinued by demi-Official instructions, issued to Commissioners of Divisions; and it is not the intention of the Lieutenant-Governor that this measure should be revived. Search will only be made under the circumstances described in section 31 of the Act or under of the general sanction given in section 32, and Magistrates will specially note that every such search is to be conducted by, or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, specially authorized by the Government to conduct such search.—*Ibid, para.* 15.

Active search for arms not to be revived.

3495. Section 48 which allows portions of fines and penalties to be given to informers, requires a great deal of caution and discretion in its execution. Information of this kind may be given to the Magistrate from motives of malice, or from cupidity; evidence of the possession of arms in both cases being fabricated. Magistrates of course will take care that they are not misled by such artifices. False information of this kind is punishable under the general Regulations.—*Ibid, para.* 17.

3496. A Register in the annexed Form No. 1 shall be kept by every Magistrate of Licenses granted under sections 7 and 8 for the manufacture and sale of any arms mentioned in section 6 of the act, *viz.*, fire arms, bayonets, swords, daggers, spears, and spear heads, and for the sale of sulphur.—*Ibid, para.* 18.

Form of Register No. 1 for Licenses (Forms A. and B.) granted under sections 7 and 8 of Act XXXI. of 1860.

1	2	3	4	5	6	7			8
No. of License.	Date.	Class of License.	Name of Licensee.	Father's name.	Caste.	Residence.			Remarks.
						Village.	Pergunnah.	District.	

3497. A Register will also be kept in the form annexed of Licenses granted for the carrying of arms under section 28 and cl. 4, sec. 32 and for the possession of arms under cl. 3, sec. 32. But no extracts from this need be furnished to the Government.—*Ibid, para.* 19.

Form of Register No. 11 of Licenses (Forms C. D. and E.) granted under section 28 and under cl. 3, and 4 section 32 of Act XXXI. of 1860, in the District of

1	2	3	4	5	6	7			8
No. of License.	Class of License.	Date.	Name of Licensee.	Father's name.	Caste.	Residence.			Remarks.
						Village.	Pergunnah.	District.	

3498. The Licenses to be granted in the forms prescribed will be written in English and Oordoo. All Licenses under sections 7 and 8 of the Act will be untransferable; but in case of the death of the Licenses will be heritable within the year of its currency without renewal.—On the other hand, Licenses under section 28, and cl. 3 and 4, section 32 will be personal untransferable and uninheritable.—*Ibid, para.* 20.

Licenses to be in English and Oordoo They are untransferable.

3499. It must be noted that though section 32 of Act XXXI. of 1860 will be operative only in those Districts of these Provinces to which the order issued under section 24 of Act XXVIII. of 1857 for a general search for arms was extended, the general provisions of Act XXXI. of 1860 will be applicable to all parts of those Provinces which may not be specially excepted under section 50 of the Act.—*Ibid, para.* 21.

General provisions of Act, 31 1860 applicable to the whole N.W.P.

3500. The Districts of Ajmere, Neemuch, Nimar, and the Districts of the Kumaon Division are exempted from the operation of section 26 of Act XXXI. of 1860.—*Ibid, para.* 22.

Importation of arms and ammunition prohibited without license.

3501. The importation into British India of arms or ammunition, except under a license from the Governor General of India in Council, or from some Officer authorized in that behalf by the Governor General of India in Council, is prohibted. Nothing in this Section shall apply to fowling pieces and sporting powder *bona-fide* imported by any person in reasonable quantities for his own private use.—*Act VI.* 1863, *sec.* 22.

Proviso.

Arms, ammunition, and military stores, not to be exported from British India without a pass

3502. Arms, ammunition, and military stores, (with the exception of arms in the possession of individuals for private use) are not to be exported, or otherwise taken from the territories of the East India Company, without a License from a Public Officer or Officers, to be indicated by the Government for the purpose of granting such Licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers, in regard to such exports, by the Government. And any arms, ammunition, or military stores, which any person exports, or attempts to export, or take as aforesaid, countrary to this Act, are to become thereby forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licenses, or the Collector of customs; and every person offending in the premises contrary to this Act, is liable, on conviction before a Magistrate, to a penalty not exceeding 500 rupees.—*Act XVIII.* 1841, *sec.* 1.

Penalty for offending against this prohibition.

Magistrates in W P to exercise powers under above provisions, reporting to Government applications for licenses to export.

3503. The Magistrates in the Western Provinces are authorized to grant licenses for the exportation of arms, ammunition, and military stores, and to exercise the powers specified in Act XVIII. 1841. In ordinary cases the Magistrate must report direct to the Secretary to Government in the Judicial Department the circumstances under which application is made to him for License for the export of arms, ammunition, or military-stores; and shall await the orders of Government before issuing such license. In cases of emergency, where the export may be apparently unobjectionable and the exporter would be exposed to inconvenience by the delay of a reference, the Magistrate is empowered to grant the license without delay, at the same time reporting to the Government the circumstances which induced him to grant it without previous reference. The license may be drawn out in any convenient form, but must sufficiently particularise the nature of the despatch which it covers. No fée can be demanded for the preparation or issue of the License.—*Notification Govt. W. P. March* 30, 1850.

Penalty for keeping more than 50 lbs of gunpowder without license

3504. Any person, who collects or keeps in one place, or within places not exceeding 3 miles in distance from each other, any quantity of gunpowder exceeding 50 pounds, without a license from such Officer as aforesaid, is liable, on conviction before a Magistrate, to a penalty not exceeding 500 rupees; and such gunpowder is to become forfeited on the award of the Officer or Officers authorized to grant Licenses as aforesaid, or the Collector of Customs.—*Act XVIII.* 1841, *sec.* 2.

Government may allow exportation of military stores

3505. It is lawful for the Government to allow at any port or ports the exportation of arms, ammunition, and military stores, as aforesaid, without any such license as aforesaid, as they deem expedient.—*Ibid, sec.* 3.

Chief Magistrate of Calcutta to grant licenses for exportation of military stores.

3506. The Chief Magistrate of Calcutta was appointed, under the above provisions, to be the Officer for the Presidency of Fort William, for the purpose of granting licenses for the exportation of arms, ammunition, or military stores, from Calcutta. It was not the intention of this appointment to preclude the Collector of Customs from allowing the exportation of arms, ammunition, or military stores, when accompanied by an order of Government according to the practice heretofore in observance.—*Notifictaion Govt. Bengal, February 9th,* 1842.

Penalty on purchasing soldiers' necessaries clothes, &c.

3507. Any person, who shall knowingly detain, buy, exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any

soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets, or other articles used in barracks, provided under barrack-regulations, or regimental necessaries, or any article of forage provided for any horses or other beasts belonging to or used in the Government service; or who shall have in his or her possession or keeping any such arms, ammunition, clothes, furniture, provisions, spirits, articles, necessaries, or forage, as aforesaid, and shall not give a satisfactory account how he or she came by the same; or shall change the color of any clothes as aforesaid; shall forfeit for every such offence any sum not exceeding two hundred Rupees, together with the treble value of all or any of the several articles of which such offender shall so become possessed. And if any person, having been so convicted, shall afterwards be guilty of any such offence, and shall be convicted thereof by one or more Justices of the Peace, every such offender shall for every such offence forfeit any sum not exceeding two hundred Rupees but not less than fifty Rupees, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall, in addition to such forfeiture, be liable to be imprisoned only, or imprisoned and kept to hard labor, for any term not exceeding six calendar months, as the convicting justice or justices shall think fit. And upon any information against any person for a second or any subsequent offence a copy of the conviction, certified by the proper Officer having the care or custody of such conviction, or any copy of the same, proved to be a true copy, shall be sufficient evidence to prove a conviction of the former offence. And if any credible person shall prove on oath or solemn declaration before a Justice of the Peace, or person exercising the like authority, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein before described, with respect to which any such offence shall have been committed, the justice, or person exercising like authority, may grant a Warrant to search for such property as in the case of stolen goods; and, if upon search any such property shall be found, the same shall and may be seized by the Officer charged with the execution of such Warrant, who shall bring the offender in whose possession the same shall be found before such justice or other person to be dealt with according to law. 12 and 13 Vict. cap. 43, sec. 52 (Mutiny Act for military forces of the East India Company)

Second offence.

Warrant for search on suspicion.

3508. All penalties and forfeitures by this Act imposed may and shall be sued for and be recoverable in any court of record at the said presidencies, or in any other court in India, in which, under any laws made or to be made in India, the penalty would be recoverable, if the same had been incurred by the offender in breach of any other law; provided always, that no action shall be brought or prosecution carried on by virtue of this Act for any such penalties or forfeitures as aforesaid, unless the same be commenced within six months after the offence is committed.—*Ibid, sec.* 68.

Mode of recovering penalties.

3509. Magistrates of the criminal courts are bound to act under these provisions, and have power to enforce the penalties, although no act of the local legislature has been passed for the promulgation of the act of parliament.—C. O. No. 50 of vol. 4. Dec. 20th, 1850, L. P. Jany. 24th, 1851, W. P. This circular was issued in accordance with the opinion of the Advocate General, who referred to sec. 36 of 3 and 4 Vict. Cap. 37, and held that its provisions were still in force, notwithstanding the promulgation of 12 and 13 Vict. cap. 43. But sec. 74 of the latter Act distinctly repeals the former, and the section above given supersedes the former provisions,

These provision to be enforced by Mofussil Magistrates.

3510. One moiety of any penalty, not including any treble value of any articles adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same; and the remainder of the penalty, together with the treble value of any article, or,

One moiety to informer; and remainder to Military Secretary to Government.

where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid to the Military Secretary of the Government of the Presidency, to which the Court by whom the penalty shall be adjudicated shall be subject; and the Court which shall adjudge any penalty under this Act shall immediately report the same to the said Secretary 12 and 13 Vict. cap. 43, sec. 69.

Punishment for giving false testimony.

3511. In all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath in case the party were about to depose as a witness in a civil action in any of the Supreme Courts of the presidencies. And any persons wilfully and knowingly giving false testimony on oath, or solemn declaration, or affirmation, in any case where in such oath or solemn declaration or affirmation shall have been made for the purpose of this Act; shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to; and every commissioned Officer convicted before a general court martial of perjury shall be cashiered; and every soldier or other person amenable to the provisions of this Act found guilty thereof shall be punished at the discretion of a general or other Court Martial.—*Ibid, sec.* 70.

SECTION VI.

OF BOATS.

Darogahs are to seize prohibited Boats.

3512. The Darogahs are to seize all Boats built, used, or transferred, in opposition to the rules contained in this section, and to apprehend and send to the Magistrate the artificers employed in repairing or building such Boats, and to report to him the name of the proprietor of the village in which they have been built or repaired. All persons are prohibited building or making use of Boats of the following denominations and dimensions, or of Boats of any other denominations being of the same dimensions, without previously obtaining from the Magistrate the written authority hereafter directed:

Description of prohibited Boats.

	In length Covids.	In breadth. Covids.
Luckhas	40 to 90	2½ to 4
Jelkas, ...	30 to 70	3½ to 5

Paunsways of Chandpore carrying more than thirty oars.—*Beng. Reg. XXII.* 1793 *sec.* 20 *cl.* 1.

Magistrates are to seize and confiscate such Boats.

3513. The Magistrates are to seize and confiscate all boats of the foregoing descriptions, which are built, used, or transferred within the limits of their respective jurisdictions without written authority from them for that purpose.—*Ibid, cl.* 2.

Villages in which such Boats are built or repaired to be forfeited to Government.

3514. Any Zumeendar or other land-holder allowing any boat of either of the descriptions above specified to be built or repaired within the limits of his Zumeendaree, unless a writing is produced to him under the seal and signature of the Magistrate, authorizing the building or

using of such boats, is to forfeit to Government the village in which such boat is proved to have been so built or repaired.—*Beng. Reg. XXII.* 1793, *sec.* 20, *cl.* 3.

Punishment of artificers employed in building or repairing such Boats.

3515. All Carpenters, Blacksmiths, or other artificers, are prohibited engaging for or being employed in the building or repairing of boats of such descriptions (unless the person offering to employ them produces a writing under the seal and signature of the Magistrate authorizing the building or using of such Boat) under pain of imprisonment for any period not longer than one month. The Magistrates are empowered to cause artificers, who are proved to have offended against this prohibition, to be punished in the manner and under the limitations directed according to the circumstances of the case.—*Ibid, cl.* 4.

Magistrates may grant licenses for building such Boats, under certain restrictions; and this sections is to be appended to such Licenses.

3516. The Magistrates are empowered to authorize any person to build or use Boats of the dimension or descriptions above prohibited, for the purposes of trade, or of conveying themselves from place to place by water, or for recreation; but such authority is to be given in writing under his Official Seal and signature, and is constantly to remain with the person to whom the building of the boat is committed whilst the Boat is building, or on Board of the Boat in charge of some person after it is built; otherwise the boat is to be liable to seizure and confiscation notwithstanding such writing, in the same manner as if the boat had been built and used without such authority. The Magistrates are to be careful not to grant licenses to build or use boats of the above denominations or dimensions, excepting to persons who they are satisfied will not allow them to be employed for any improper purposes. All persons desirous of building or using boats of the prohibited dimensions and descriptions, or to sell or transfer them, are to apply to the Magistrate for a written authority for that purpose. The Magistrates are to cause this section to be subjoined to all the written authorities which they grant for the building or using the boats in question, and the sanction for the sale or transfer of such boats is to be endorsed on the original authority for building or using them.—*Ibid, cl.* 5.

Rules regarding wreck of Boats with merchandize.

3517. It being apprehended that the wreck or burning of boats laden with merchandize is often occasioned either by the misconduct of the boatmen, or by the rapacity of the inhabitants along the River banks, who thus endeavour to conceal the crime of which they have been guilty, Magistrates are required to exercise the greatest vigilance on such occasions. Enquiry must always be made into the cause of such events and a report furnished by the Darogah to the Magistrate. Whenever on the complaint of the charandar or Officer in charge of the boat on the part of the owners of the cargo, or from any other sufficient cause, there be reason to suppose that the loss or destruction of the boat is owing to the wilful misconduct of the boatmen or the violence of lawless depredators, a searching enquiry should be made into the circumstances, and the suspected persons should be arrested and dealt with as the law directs. Every means must also be taken for the preservation of the goods which are saved from the boat. For this purpose the charandar should not be unnecessarily interfered with, but he must be supported and protected in the discharge of his duty. If there be not present any charandar or person empowered to act for the owners, the Police must themselves take charge of the goods. In order the better to enable the owners of goods to keep a check on their Agents, and to inform themselves of the real cause of the losses they may sustain, they are invited, whenever they hear of the loss of a boat, to address to the Magistrate, post paid, a communication either in English or Oordoo in the annexed Form*

The Magistrate to whom it is addressed is to cause a brief extract to be drawn up in his Office, explaining in Oordoo the circumstances of the case, so far as they can be ascertained, and is to forward it

*Form of Application to Magistrates —I have the honor to inform you that I have received information of the loss of goods, dispatched hence by boat as by the annexed memorandum.—With reference to the Government Notification of the 5th may, 1849, I shall feel obliged by such information regarding the cause and extent of the loss as you may be able to afford me.

I have &c.

To be signeded by full name legibly written and address.

for the information of the owner through the Magistrate of the District in which he may reside. Magistrates are to use every precaution that the vigilance, which is exercised for repression of wrong, be not made the means of petty extortion from well-conducted and unoffending travellers or traders. Commissioners are to notice such cases in their annual Reports.—*C. O. Govt. W. P. No.* 1638, *May 5th*, 1849.

Rules to prevent damages to bridges by Boats navigating the River Ganges.

3518. I.—Every Boat descending the Ganges shall be furnished with two mooring cables of a size suited to the tonnage of the Boat.

II.—Every Boat on approaching within two days' run of any Bridge of Boats is to be brought up at night by cables secured from the stern and fixed to some secure object on the permanent bank of the River.

III.—On arriving at Cawnpore the Manjhee in charge is to Report himself to the Officer stationed at Permitghat by whom the sufficiency of the mooring cables in the Boat will be tested, and in the event of their being found sufficient a Certificate to that effect will be granted to the Manjhee by whom it will be delivered up on passing through the Bridge of Boats.

IV.—The Mohurir will at the same time enter the following particulars in his Register to be kept for that purpose :—

Name and residence of owner or persons by whom the Boat has been hired for the trip.

Name of Manhjee, tonnage and nature of cargo.

V.—Permanent mooring rings are provided at Permitghat, and on the left bank of the River immediately above the opening in the Bridge. All Boats are to moor to these rings and to no other place.

VI.—The Manjhee of every Boat who shall infringe any of these above Rules will render himself liable to the penalty of Rs. 200 under Section 283 of the Penal Code, and the owner or hirer of the Boat for the time being will be liable to an action for any damage which the Government may sustain by the negligence of his servant.—*Govt Order May 29th, and June 20th*, 1863, *W. P.*

SECTION VII.

CATTLE THEFT.

Measures to be adopted for the suppression of the crime of cattle Theft.

3519. I am directed by the Hon'ble the Lieutenant Governor to forward for distribution to the Magistrates in your Division, the accompanying copy of a Report, dated 28th March 1857, on Cattle-stealing, the work of Mr. Strachey, Magistrate of Moradabad, and to request you to inform those

Description and size of boat.	Name and residence of charhandar.	Name and residence of manjee	Description of cargo.	Where said to have been lost.	How supposed to have been lost.	Remarks.
						Here may be entered any suspicious circumstances that may be known regarding the loss.

Officers, that they are expected to give their particular and earnest attention to the evil of which the Report treats, and to use their existing Establishment as best they may for its suppression, pending the introduction, at no distant period, it is hoped, of the comprehensive measure which Mr. Strachey has recommended.—*C. O Govt. N. W. P. No.* 30, *July* 27*th*, 1859.

From J. Strachey Esqr. to Commissioner of Rohilkund dated 28*th*, *March* 1857.

1. The Orders of Government, No. 1677 A., dated 6th August 1855, authorized me to entertain a small special Establishment for the purpose of carrying out experimental measures for the repression of the crime of Cattle-stealing in the District of Moradabad. I have now to report to you regarding the plans that have been adopted, and the results that have been attained.

Cattle stealing much prevalent in Moradabad and the neighbouring Districts.

2. In Moradabad and the neighbouring Districts, which border upon the Ganges and the Jumna, Cattle-stealing has been, from time immemorial, one of the most prevalent Offences. It constitutes the normal occupation of a large community, and this fact, added to the physical difficulties of the country in which the offenders live, has rendered all attempts to repress the crime more or less unsuccessful. My own experience has been entirely confined to Moradabad, but I believe that the account, which I am about to give, will be found pretty generally applicable to the neighbouring similar Districts of Rohilkund and the Doab. Similar circumstances have produced similar results.

Head Quarters of the Cattle Lifters.

3. There are two tracts of country which, in Moradabad, are the head quarters of the cattle lifters, the Khadir of the Ganges, and the pasture lands which skirt the forest and Terai, eight or ten miles below the first ranges of the Himalaya.

4. Of these tracts the Khadir of the Ganges, in the Pergunnah of Hussunpore, is the most important. On the left bank of the River this strip of low land has here an average breadth of four or five miles. The course of the main Ganges frequently changes, and branches issuing from the principal River intersect the Khadir, and cover it with a net-work of streams. I believe that, on the other side of the River, the character of the country is very similar.

5. Through a large portion of this tract, the operations of agriculture must always be precarious. During the rainy season the floods are usually so heavy, and the soil is so saturated with water, that cultivation becomes to a great extent impracticable or unprofitable. The Rubbee is the only harvest of importance.

6. Broad tracts of land, covered with grass and low Jungle, stretch along the streams. These afford good pasturage at seasons, when elsewhere all vegetation is burned up. It will be understood that in a country so circumstanced, the breeding and pasturing of cattle is often a more profitable occupation than the cultivation of the soil. All classes of the inhabitants possess numerous herds of cattle, and during the dry season, the people of other parts of the District regularly send their cattle in large numbers to the Khadir, for the sake of the pasture to be found there.

Tribes living in the above places.

7. The largest section of the population of the Khadir is Goojur. The Mewatees are also numerous, and Jats and Khagees come next in importance. Of all these, and especially of the Goojurs, cattle lifting is the normal and the most profitable occupation.

Proportion of people who are thieves.

Zemindars are receivers of stolen Cattle and inciters of thefts.

8. Probably at least seventy-five out of every hundred able-bodied Goojurs in this part of the country are thieves. This is true not only of the poorer and least influential members of the class. The Zemindars, who possess the largest share of wealth, and whose position gives them the greatest influence, are almost all receivers of stolen cattle, and the inciters of the thefts that are committed. It seldom happens that any legal evidence can be obtained against them, but it is matter of public notoriety, about which no sort of doubt exists, that the fact is as I have stated it. There is nothing uncharitable in the assumption in any case, in the absence of direct evidence to the contrary, that every Goojur is a thief.

Circumstances which foster the crime of Cattle-stealing.

9. Every thing combines to foster in this tract the offence of cattle-stealing. The people are thieves, who have hardly any consciousness of criminality, when they follow their hereditary occupation, and the physical character of the country in which they live is such, that the repression of these predatory habits becomes a task of extreme difficulty. It is no easy matter, either for private prosecutors

or Police, to follow up the tracks of stolen cattle through these wild regions. To move through them is difficult at all times, and to do so becomes often almost impossible. Rivers and swamps have to be crossed, tracts of Jungle to be traversed, and a most unhealthy climate to be encountered, while the whole population is united in a common fellowship of crime, both by habit and by interest. And even if it be known to what part of the country the stolen cattle have been conveyed, it is most difficult to recognize them among the great herds that graze over almost every portion of the Khadir.

Place where thefts of Cattle are committed.

10. A considerable portion of the thefts of cattle that are committed take place in the Khadir itself. The herds that are sent from other parts of the District offer an easy prey. The Goojurs respect property belonging to people of their own class who live in the Khadir, and the maxim of "honor among theives" is here almost always applicable. But their depredations are by no means confined to the parts of the country near their own homes. Hardly any portion of Maradabad or of the neighbouring Districts is safe from the Goojurs of the Ganges Khadir.

The Cattle Lifters send the stolen Cattle to other Thannas or Districts.

11. There is no doubt that a large proportion of the cattle thefts throughout the District, are either directly committed or are suggested, and incited by them. A regular system of correspondence seems to exist between the Goojurs of different parts of the country. The cattle lifters seldom keep the cattle that they have stolen any where near their own homes, or near the places where the theft was committed; they send them off to their friends in another Thanna or across the River in to another District, receiving other cattle in exchange. It is said that the Goojurs of the Khadir of the Ganges are in frequent communication with those on the banks of the Jumna, and there is no doubt, that people who live at distances of many day's journey from each other, often carry on in this way extensive dealings.

Causes which make detection of the crime difficult.

12. These operations are managed so systematically, and so expeditiously, and there is so little concert between the Police of different jurisdictions, that detection is extremely difficult, and in the great majority of cases, the offenders run little risk of apprehension.

Mewatees and others are often concerned.

13. In the actual Commission of the thefts, Mewatees and others are very frequently concerned, but the receivers of stolen cattle in the Khadir are almost always Goojurs. Every body who wishes to dispose of cattle that have come into his possession by any unfair means, knows that he can always find an immediate and a safe market in the Ganges Khadir.

How the stolen Cattle are disposed of.

14. Many of the cattle stolen by Mewatees and others, are made over at once to the butchers of the towns, but the greater number are sent off to the Khadir as soon as they are stolen. Goojur theives will of course never sell cattle to butchers. Thus the greater part of the cattle may be supposed to be alive for a considerable time after they are stolen, and under a proper system, this fact would much facilitate the work of repressing the crime.

Nothing peculiar in the manner in which actual thefts are committed.

15. There seems to be nothing peculiar in the manner in which the actual thefts are committed. The peculiarity of these cases arises from the facts that I have stated, that the whole population of the Khadir consists either of Cattle lifters or of receivers of stolen cattle, and that people in all parts of the country know that the Goojurs are always ready either to purchase stolen cattle themselves, or to negotiate their transfer to other parties.

Forest and Terai.

16. The forest and Terai is next in importance to the Khadir of the Ganges, as a locality for cattle stealing. The extensive tracts of pasture land attracts large herds of cattle, both from the hills and from the plains. The puharees are the chief sufferers, but it is not easy to learn the actual amount of their losses.

Cases are seldom prosecuted.

17. They seldom prosecute in the Courts of the plains, and they often give no information even to the Hill Authorities. There are a good many Goojurs in the villages near the edge of the Forest, and a large proportion of the cattle stolen in this part of the district probably pass through their hands. They send on the cattle in the way I have already described, to their Goojur friends in the Khadir, receiving in return either money or cattle stolen in some distant part of the country.

Another locality where Cattle stealing goes on.

18. Besides the Khadir and Forest, there is another part of the district, where a good deal of cattle stealing goes on. A belt of low dhakjungle, with little cultivated land, stretches almost across the district, from Chujlait towards Chandouloe, through the Thannah division of Amroha Asmolee,

and Sumbhul. This belt is generally three or four miles broad, and although the extent of pasture land is not sufficiently great to induce people to send their cattle from any great distance, the neighbouring villages often possess large herds, which find here good grazing ground. A large proportion of the thefts committed in this part of the country are attributable to the Mewatees and many of the cattle stolen are made over to the butchers of the towns, and immediately slaughtered.

Season when greatest number of thefts take place.

19 The rainy season is the time when the greatest number of thefts are committed. The Goojurs and the other cattle lifters of the Khadir have then little occupation in their fields, and have plenty of time to devote to the more profitable business of plundering their neighbours. At this season too it is much more difficult to follow up the traces of the stolen cattle, and it becomes almost impossible, except to people who live permanently in the Khadir, to move about quickly among the rivers, and swamps, and thick jungle.

Statements of the crime.

20. The statement No. 1, * attached to this letter, shows the number of cases of cattle stealing that have occurred during the last five years in the Moradabad District, with such other particulars connected with the subject as I have been able to collect. The statement No. 2, gives similar particulars for the neighbouring districts. The figures contained in these tables will shew the magnitude of the evil, and how powerless to arrest it, have been the operations of our Courts.

21. In the statement for Moradabad, the results reported for the year 1852, have been inserted for the sake of uniformity, but they are not to be depended on. These figures would seem to shew, that in 1853, there was a vast increase of crimes, this was not really the case, and it is notorious that before Mr. Roberts turned his attention to the matter, the greater number of cattle thefts were not reported by the Police at all, or were reported as cases of straying. It is not necessary that more should be now said on this point, but it is right that I should notice it, lest conclusions should be drawn unfavorable to the administration of my predecessor, an admirable Officer, who needs no praise from me.

22. I must now give some account of what has been done towards checking this crime in Moradabad. In 1855, I reported to you, that the number of thefts was still increasing. The following extract from my letter, No. 38, dated 12th May 1855, gives a summary of the facts of the case as they are exhibited by the Annual statements for 1854. (This extract is lost, as well as this original letter from which it was made.) In consequence of this report, I was authorized by the Government to entertain a special establishment for six months, at the rate of Rupees 97 per mensem for the purpose of endeavoring to check the crime. Imamooddeen Kotwal of Moradabad, was to Superintend the operations, and he was invested with the powers of Thanahdar throughout the district. These orders were passed by the Government on the 6th of August 1855 but it was not until near the end of the year that much was attempted, for Imamooddeen could not be spared from his duties as Kotwal in consequence of the possibility of disturbances occuring during the Mohurrum.

23. Although, as I shall shew presently, a very considerable share of success has been attained, the experiment was carried on under most unfavorable circumstances. Mr. Bensley Thornhill's removal from the District in February 1856, made it impossible for me to remain myself in the Pergunah of Hussunpoor, to superintend operations, as I had hoped to do, while at the same time, I lost a most efficient and zealous coadjutor in the work, who had made himself well acquainted with the whole subject. Two months later, I was myself compelled by sickness to go to the hills, and consequently I have neither been able to carry out my own schemes, nor have I had the opportunities which I had hoped for, of making myself still better acquainted with the system under which the operations of the cattle lifters are carried on.

24. The practical results that have been actually gained, are mainly due to Mr. Johnston and Mr. Cookerell, who, after I left Moradabad, exerted themselves to the utmost for the repression of this crime.

25 The more fact of the appointment of Imamooddeen, who was known to be the best detec-

* These statements have been lost

tive Police Officer in the District, with a special Establishment, had doubtless a great effect in frightening the Goojurs, and in making them more cautious in their operations.

Establishment of out posts.

26. I took advantage of the remodelling of the Police Establishment of the District to establish a number of out posts in the Khadir, in all the places where the cattle lifters were the most notoriously numerous and bold. These outposts were made over to first class Jemadars, who, as well as the Burkundazes subordinate to them, were chosen from the most efficient men at my disposal. There are now eight* Police Stations in the Khadir of which four have been newly established. This has been a very useful measure. There are now posts commanding all the principal ghats across the Ganges, at distances from each other not exceeding three or four miles, and if the Police do their duty, it is easy for them to learn all that is going on.

Changes in the Thana establish-

27. I also made many changes in the Thana Establishments of the Purgunnah of Hussunpore, and chose men for the principal posts, who I thought were likely to exert themselves for the repression of cattle-stealing. The main credit, however, of all that has been done, is due to Imamooddeen. He has exerted himself to the utmost, and has continued fully to merit the high opinion which I and all his superiors have long held of him.

Special Establishment.

28. Imamooddeen was relieved of his ordinary duties as Kotwal of Moradabad, in October 1855, the current business in the city being conducted by the Naib Kotwal. A Mohurrir and Duffadar were appointed to assist Imamooddeen in his enquiries, and Burkundazes chosen by himself were given him from the regular Police force. If, on the first Report of a case of cattle-stealing, the ordinary Police succeeded in apprehending the offenders, Imamooddeen did not ordinarily interfere; but all cases were made over to him in which the original Police investigation had failed, or in which for any reason it seemed likely to fail. All the Thannadars understood, that in all that concerned the offence of cattle-stealing, they were to look upon Imamooddeen as their superior Officer, and that all their proceedings were to be regulated and superintended by him. Unity of management was the first essential of success.

Influence of the influential class of the tribe who follow the profession of cattle lifting.

29. The influence is very great which the more important Goojurs of the Khadir exercise over the community of the cattle lifters. It is notorious that they can always, to a great extent, stop these thefts if they choose, and that they can, in almost every case of cattle-stealing, ascertain who are the real offenders, and what has become of the cattle. In a great number of cases they derive a direct profit in the shape of a share of the stolen property; but as they are always careful to keep themselves in the back ground, as they take no part in the actual thefts, and keep none of the stolen cattle in their own possession, to obtain legal evidence against them is, under our existing system, next to impossible. It was clear that any success was out of the question, unless these people would exert their influence to assist us. In dealing with a class of hereditary theives, who look upon plunder as a perfectly legitimate and a most profitable occupation, fear is the sole influence which can be brought to bear with any immediate useful effect.

Laws regarding dishonest livelihood could not generally apply to the cattle lifters in Moradabad.

30. The laws regarding dishonest livelihood can with difficulty be applied to these Goojurs. They are not vagrants, or people with no other means of subsistence, but often holders of considerable estates. The Zemindar is just as bad as the common cultivator. Although a Magistrate has now no sufficient legal means of dealing with such cases, and although he cannot hope to dispose of them in a manner which shall give complete security for the future, he can still, as the Chief Executive Officer of the district, do a great deal, without any infringement of the law, to make their position a very uncomfortable one. The danger of injustice to individuals by the exercise of a somewhat arbitrary authority is, in such cases as this, very small, if the Magistrate be fit for his work. If he is unable with all the great means at his disposal to ascertain the true character of the land-holders and the Police of his district, through whom he has to act, it is entirely his own fault. Believing this, feeling no fear that I should be guilty of injustice although I might fail to obtain in every case all the evidence which the

1. Alinuggur.
2. Biha
3. Jeora.
4. Futtehpoor.
5. Sherpoor.
6. Tigree.
7. Rehra.
8. Sirsa.

technicality of our law requires; professing, more over, not the slightest sympathy with men, of whose criminality I was certain, I had no scruples in my dealings with these Goojurs. Every man who was a notorious receiver of stolen cattle was summoned by me; if it was possible, he was imprisoned or called on to give heavy security, and if no legal evidence could be obtained against him I did my best to impress upon him, and prove to him that he would lead a very uncomfortable life, as long as he continued to exercise his predatory propensities. Consequently much was done which cannot be illustrated by tabular statements.

Course of procedure followed in repressing the crime.

31. Several offenders, against whom complete proof existed, and whose conviction would have been certain, were released on condition that they would turn approvers, and thus much useful information was gained. Imamooddeen was in communication with many persons, who were well acquainted with all the proceedings of the Cattle lifters, and who were in reality thieves themselves.

Approvers.

32. I now proceed to describe the actual results that have been arrived at. In my Police Report for 1855, I gave my reasons for believing, that although in that year there was an apparent increase in cattle stealing, the crime had in reality diminished. Greater care was taken that all cases should be reported, and fewer cases of theft were shewn as cases of straying. The numerical results for 1855, as compared with previous years, will be seen in Statement No. 1.

Result.

33. As Imamooddeen only began his operations at the end of 1855 the results were hardly to be seen in that year.

34. The following figures will shew the improvement that took place in 1856, and the whole of this is fairly to be attributed to the new measures.

Year.	No. of cases of cattle-stealing.	Head of Cattle stolen.	Head of Cattle recovered.	Estimated value of Cattle stolen.	Estimated value of Cattle recovered.
				Rs.	Rs.
1855,	499	898	326	10,915	3,065
1856,	296	522	209	5,623	2,365

35. The following table shews the returns of cases of straying for the two years, and this, too, is satisfactory :—

Year.	Head of Cattle reported to have strayed.	Head of strayed Cattle recovered.	Estimated value of strayed Cattle.	Estimated value of Cattle recoverd.
			Rs.	Rs.
1855,	2,694	1,209	20,093	9,380
1856,	2,732	1,617	20,819	12,086

36. The number of apprehensions, convictions, and acquittals, remained nearly the same as in the previous year, but as the number of cases was so much smaller, this is really a very satisfactory result.

Year.	Apprehended.	Convicted.	Acquitted.
1855,	331	106	171
1856,	309	106	167

Number of men of each caste concerned in cattle lifting.

37. The total (No. 3)* annexed to this letter, shows the caste of all the persons convicted of cattle stealing in the Moradabad district during the last five years. It will be observed that the number of Goojurs convicted, has always been small, and these figures may at first sight seem hardly consistent with much that I have stated in this report. But in reality they only show how powerless our Courts have been. Few Goojurs are caught, for the whole community is so united, and the Goojur-zemindars possess so much influence in the Khadir, that the ordinary Police can do little against them. The Thanadar often fears, that if he offends them beyond a certain point, they will punish him by causing, as they can easily do an unusual number of thefts within the limits of his jurisdiction, and both police and private prosecutors are not unfrequently deterred by the fear of actual violence from following the track of stolen cattle among the herds of the Goojurs.

Distinction between cases of theft and straying

38. To distinguish between cases of theft and of straying, is necessarily so difficult, that the distinction must, to a great extent, be an arbitrary one, whatever care be taken. A considerable number of strayed cattle are every year brought in to the different Thannas. We may fairly assume that most of these are included in the cases reported by the Police, under the head of "strayed," and we shall arrive at a better approximation to the actual number of cattle that are annually stolen, or unfairly made away with, if we take this element into calculation. In 1855 the number of strayed cattle being 2,694, and the number recovered being 1,209, we may add to the latter number, the cattle brought into the Thannas. These were 411 head; there thus remained unaccounted for, of the cattle reported to have strayed in 1,855, 1,074 head, and there can be no doubt that a large proportion of those were really stolen. The number of lawaris cattle brought to the Thannahs in 1856 was 504; if we add this to 1,617, the number of strayed cattle, reported to have been recovered, there remain only 611 head unaccounted for, a great improvement on the previous year.

Diminution in thefts.

39. That this great diminution in the number of thefts is a real one I can affirm with confidence. There is always danger on such occasions as this that the Police will neglect to report all the cases that occur, and no one can know better than I do what false ideas are sometimes convey by the figures which profess to shew the state of Indian districts. In the present instance so many precautions were taken, that I feel sure that no such suppression of the truth has taken place. I believe that cases of cattle stealing were never so well reported by the Police before, and that the actual diminution of crime has been greater than the figures shew. The results arrived at, will, I hope, be considered satisfactory. These operations were, as I have before mentioned, carried out under many disadvantages, and a much larger measure of success would have been possible under more favorable circumstances.

In one respect results not satisfactory.

40. But it is necessary to notice that, in one important respect, these results may not be in reality all that at first sight they seem to be. There has been a great decrease of cattle stealing in Moradabad but all that has happened may have been, that the cattle lifters have carried on their depredations elsewhere. I have already described how the Goojurs of the Ganges Khadir are constantly concerned in thefts, that are committed at a great distance from their homes. It is as easy for them to steal cattle in Meerut, as in Moradabad, and I fear that when they felt an unusual pressure in the latter district, they, to a great extent, transferred the scene of their operations to the other side of the Ganges. I regret that I cannot now investigate this point further, for the statements which were furnished to me from other districts were not sufficiently complete when I left India, to enable me to come to any positive conclusions on the subject.

Results on all valuable.

41. However this may be, the results that have been gained in Moradabad will not be the less valuable. It has been at least shown, that it is not difficult with very small means to produce a considerable effect on the proceedings of the cattle-lifters, and what has been done in this district, may be done as easily in others.

* This has been lost.

42. But it is I think clear, that no complete and permanent suppression of this crime can be expected to result from any efforts of individual Magistrates. The Police of the different Districts have not yet learned to act in concert. Nothing but a vigorous concentration of authority can break up a system like that of the Goojur cattle lifters, which extends its ramifications through so many districts, and over so great an extent of country. I think that an European Officer ought to be appointed, with a special Detective establishment, with jurisdiction in all the districts of the North Western Provinces, where the offence of cattle stealing is prevalent. I am not inclined to think that any new legislation would be at present necessary, although it would probably be ultimately found to be desirable. An active and energetic Officer, invested with the powers of Magistrate, would, I believe, be able, in spite of the evident imperfections of the existing law to put a stop to systematic cattle lifting in no great space of time and at no considerable cost. This is the sole measure which, in my opinion, can afford a complete remedy for the evil. After more experience had been gained, it would be seen whether any alteration in the law was really essential, Authority and responsibility must be concentrated in the hands of one man. The greater this authority and responsibility can be made, the better will be the chances of success. If such unity of management as that which I have advised, be at present impracticable, it may still be possible to carry out the same principle in a modified form. If a single Superintendent for the North Western Provinces cannot be appointed, something will be gained if in each district measures be carried out under the Superintendence of one Officer. The most efficient Native Police Officer in each district where this offence prevails, should superintend the investigation of cases, and follow up offenders, as Imamooddeen has done in Moradabad.

Measures which should be adopted for the suppression of the crime.

43. A number of Thannadars, acting with no proper concert, and probably often jealous of each other's reputation, will never suppress crimes carried on so systematically and extensively as this of Cattle-stealing. The criminals and the Cattle must be traced from Thanna to Thanna, and from District to District, and if this is to be done efficiently, there must be no division of authority.

There should be no division of authority.

44. Much has often been said of the so called khoj-system, which is in force, in the trans Jumna and other Districts, under which each village is held, to a certain extent, responsible for the theft, unless it can carry on the track of the stolen Cattle. I have myself never seen any thing of this system. The trackers of Cattle, who are said to exhibit such extraordinary sagacity in some Districts of the North Western Provinces and of the Punjaub, are not found in this part of the country. It seems to me to be quite useless to discuss the propriety of introducing denovo any such system into a country where it does not already exist. Such expedients as this are evidently nothing better than barbarous and very imperfect substitutes for an efficient system of Police, and although they may be tolerated for a time as the means of checking crime, when no better means exist, it is clear that nothing else can be said in their favor. The following extract from Mr. Greathed's Police Report for 1855, so entirely expresses my own opinion on this subject, that I cannot do better than quote it here.

Khoj system.

"The crime can never be more than slightly repressed by procuring the restoration of the stolen "Cattle, through the medium of the Zemindars, to whose villages the tracks are supposed to have been "carried. To attack it effectually, the criminals must be reached, and made to feel that Cattle-stealing "is not a safe trade. This remains to be effected; tracking as a means to the discovery of the Cattle, "and thieves should be encouraged. But if the tracking leads to no actual discovery, "something else should be tried, the facts of the tracking remaining on record for future notice. It is "highly injudicious that the enquiry should be diverted from the pursuit of the criminals to the recrimi-"nations of the Zemindars, through whose villages the tracks passed. Merely to find the Zemin-"dars with whom the tracks were left, would be an unsatisfactory termination to a case, and it would "be illegal on the mere evidence of tracks to charge them as receivers or accessaries."

45. The sum sanctioned by Government for these operations was Rs. 95 per mensem, for six months. The whole amount was thus Rs. 570. I did not consider it necessary to adhere to all the

Detail of expenditure.

tails of my original proposition in determining what expenditure should be incurred. I thought it sufficient not to exceed the total amount which the Government had sanctioned.

The following is a summary of the actual expenditure .—

Paid to informers, in small presents, diet, &c., ...				Rs 62	2	4
" To Imamoodeen, horse allowance, from 1st October 1855 to 31st October 1856 at Rs. 20, ...	260	0	0			
" To Naib Kotwal, extra allowance for same Period at Rs. 10, ...	130		0			
" Mohurrir, for 6½ months, at Rs 15, ...	97		0			
To Cheda Singh, Duffadar, extra allowance for 6½ months at Rs. 2. ..	13		0			
				500	8	0
Total Rs.				562	10	4

The Total expenditure has thus fallen short of the amount sanctioned by Government, by Rs. 7 5 8

SECTION VIII.

CATTLE TRESPASS.

Cattle doing damage to land may be seized and impounded.

3520. It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any Cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or town-ship in which the land is situate. Village and other Police Officers, when called upon, shall give their aid to cultivators and occupiers making such seizures.—*Act, III.* 1857, *sec.* 2.

Power of seizing cattle.

3521. The power of seizing or causing to be seized any Cattle trespassing on, or doing damage to, any land or to any crop or produce thereon, conferred by section 2 of Act III. of 1857, may be exercised, subject to the provisions of the said Act, by any person who has given cash advances for the cultivation of the crop or produce of such land or to whom such crop or produce shall have been sold or mortgaged.—*Act, XXII.* 1861, *sec.* 6.

Where pounds shall be established

3522. Pounds shall be established at the Thannahs or District Police Stations, and at such other places as the Magistrate, under the orders of the Local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.—*Act, III.* 1857, *sec.* 3.

Control and management of pounds

Proviso.

3523. The pounds shall be under the control of the Magistrate of the District, and for each pound a pound-keeper shall be appointed, who shall keep such Registers and furnish such returns as the Local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.—*Ibid, sec.* 4.

Seizures to be registered

Pound keeper to take charge of and feed cattle.

3524. When Cattle are brought to a pound, the pound-keeper shall enter in his Register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.—*Ibid, sec.* 5.

3525. For every head of Cattle impounded, as aforesaid a fine shall be levied according to the following scale :— Fines.

	Annas
Camel or Buffalo, ...	8
Horse or Tatto, Bull, Bullock or Cow,...	4
Calf or Ass, ...	2
Sheep or Goat, ...	1

and no Cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.—*Act III.* 1857, *sec.* 6.

3526. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine, together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate; and the Owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A Schedule of the fines and of the rates of charge for feeding cattle shall be stuck up in a conspicuous place on or near to every pound.—*Ibid, sec.* 7. Procedure i owner appear and claim the cattle.

3527. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the darogah or District Police Officer, who shall stick up in a conspicuous part of the Police Office a notice containing a statement of the number and description of the cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the darogah or district Police Officer or an Officer of his establishment deputed for the purpose.—*Ibid, sec.* 8. Procedure i cattle be not claimed within a specified time.

3528. If the owner appear, and refuse or omit to pay the fines and expenses, the cattle or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the darogah or other Officer as aforesaid; and the remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner, together with an account showing the number of cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of section 14 of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.—*Ibid, sec.* 9. Procedure i f owner appear and refuse or omit to pay the fines and expenses. Sale to be stayed if owner has complained to Magistrate.

3529. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any cattle at a sale under this Act.—*Ibid, sec.* 10. Police Officers and pound-keepers not to purchase cattle at a sale under this act.

3530. When cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale proceeds. The fines so recovered, as well as all fines received by the pound-keepers under section 7 shall be transmitted to the Magistrate by the darogah, or District Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under section 7. The surplus proceeds of the sale of unclaimed cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and, if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them, as hereinafter provided.—*Ibid, sec.* 11. Disposal of sale proceeds, fines and expenses.

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

3531. The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed cattle shall form a fund which shall be available for the payment of any salaries, which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this act.—*Act III.* 1857, *sec.* 12.

Appropriation of surplus fines, &c.

3532. When the amount of the sums received on account of fines, and the unclaimed proceeds of the sale of unclaimed cattle, is larger than is required for the payment of the salaries allowed to pound-keepers, and the expenses incurred for the construction and maintenance of pounds and other purposes connected with the execution of Act III. 1857, any surplus which may remain after making full provisions for the said salaries and expenses may be applied, under the direction of the local Government, to the construction and repair of roads and bridges, and other works of a like nature.—*Act V.* 1860, *sec* 1.

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

3533. Every person who shall forcibly oppose the seizure of cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred rupees, or to both. *Offences under this section shall be dealt with by the Police Officers according to the provisions of section XXV. Regulation XX.* 1817, *of the Bengal Code, section XXVII. Regulation XI.* 1816, *of the Madras code, and section XLIII. Regulation XII.* 1827, *the Bombay Code.—Act III.* 1857, *sec* 13.*

Owner may prefer complaint to Magistrate within ten days from date of seizure of his cattle.

Procedure.

Damages for illegal seizure.

3534. Any person whose cattle shall have been seized and detained as doing damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint, Deputy, or Assistant Magistrate, or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of one hundred rupees, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together will all expenses incurred by the complainant in procuring the release of the cattle ; or, if the cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by the party who made the seizure. Moonsiffs and other judicial Officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this section, and in the exercise of such powers shall be subject to the same rules as assistants and other Officers subordinate to the Magistrate.—*Ibid, sec.* 14.

Moonsiffs and others may be invested with power to adjudicate under this Section.

Impounding of cattle doing damage to roads embankments, &c.

3585. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any cattle doing damage to the sides or slopes of such roads, canals,

* The words in italics have been repealed by Act 17, 1862.

embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.—*Act III.* 1857, *sec.* 15.

Impounding of stray cattle the owners of which are unknown.

3536. Village and other Police Officers shall convey to the pounds established under Section 3 of this Act all cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of cattle seized as trespassing and doing damage, shall be applicable to all cattle impounded as aforesaid.—*Ibid, sec.* 16.

Recovery of penalty for mischief committed by causing Cattle to trespass.

3537. When any person commits mischief by causing cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize cattle under section II. of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the cattle by which the trespass was committed, or any portion of them, whether the cattle were seized in the act of trespassing or not, and whether such cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.—*Ibid, sec.* 17.

Penalty for damage caused to land or crops by pigs.

Application of fines.

3538. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees. All sums recovered under this and the last preceding Section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.—*Ibid, sec.* 18.

Saving of right of parties to institute a suit for the recovery of damages in any competent Court.

3539. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.—*Ibid, sec.* 19.

Local Government, with sanction of Governor General in Council, may exclude any district, &c. from the operation of this Act.

3540. The Local Government, with the sanction of the Governor General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.—*Ibid, sec.* 20.

Interpretation.

3541. In the construction of this act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall include females; the word "Magistrate," shall include a Joint Magistrate or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officers" shall, in the North Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.—*Ibid, sec.* 21.

Commencement of Act.

3542. This Act shall commence and take effect from and after the first day of may 1857.—*Ibid, sec.* 22.

Award of fine to the injured party.

Proviso.

3543. When a fine is imposed upon a conviction for any offence under this Act, the Magistrate may order that the fine or any part thereof, not exceeding the loss appearing to be caused to any person who has suffered by such offence, be paid to such person, and in any such case the fine when levied or received shall be paid accordingly. No amount ordered to be paid under this Section shall be paid over to the person to whom it is awarded until the lapse of thirty days from the date of such order, unless such order shall have been sooner confirmed by an Appellate Court.—*Act XXII.* 1861, *sec.* 4.

Appeal.

3544. Any sentence or order made in any case tried under this Act shall be subject to appeal in like manner as the sentences or orders made by the Magistrate or other Officer aforesaid in criminal trials are subject to appeal by any law for the time being in force.—*Ibid, sec.* 5.

Measures to be taken for enforcement of Act III, 1857

3545. I am directed by the Honorable the Lieutenant Governor to request you to take measures for the enforcement in the districts of your Division, of the provision of Act III of 1857, regarding the establishment of Pounds for stray cattle, and to convey the following instructions for your guidance —*C O Govt N. W P. No.* 15, *April* 4, 1859, *para.* 1.

Places where pounds should be established.

3546. Pounds will be established under the above Act at all Thanah Stations, and also at outposts which are under 1st Class Jemadars in the several Districts within your jurisdiction.—*Ibid, para.* 2.

Construction of pounds.

3547. Where they do not already exist, new ones will be constructed at a cost not exceeding, at a Thanah Station, Rupees 100, and at a 1st class Jemadars outpost Rupees 50. The necessary advances may be made from the public funds, though the whole amount expended will be eventually recovered from the receipts of the pounds themselves.—*Ibid, para.* 3.

Pound keeper to be appointed to each pound

3548. As it is considered objectionable and inconsistent with the intention of the Act that Police Officers of any grade should be placed in charge of the Pounds, a separate Pound-keeper will be appointed to each by the Magistrate, on a salary not in any case exceeding Rupees 12, per mensem.—*Ibid, para* 4.

Pound keepers to provide for the care and tending of cattle impounded and to keep registers.

3549. It will be the duty of the Pound-keeper to provide for the proper care and tending of the cattle impounded out of his own salary, and also to keep up the register and account of receipts and disbursements required by Sections 4 and 5 of the Act.—*Ibid, para.* 5

Specimen of Form.

3550. Those registers should be strictly kept in an uniform model, a specimen of which is forwarded with this letter. The Lieutenant Governor will leave all minor measures of precautionary detail that may be in the enforcing of the Act, to the experience and discretion of the Magistrates themselves under your own General supervision.—*Ibid, para* 6

3551. Proposed Form of Register to be kept up by Pound-keepers under Act III. of 1857.

Register of Cattle impounded at Purgunah Zillah for the ending.

Date of reception in pound	Species of Animal	Number of Animals	Name and residence of person by whom seized.	Name and residence of owner	Date of release from pound.	Amount of fine paid.	Amount charged for feeding	Signature* of individual removing animal released on payment of the prescribed Fine.	Signature of Officer removing unclaimed animal for sale by auction.	Remarks.

* Or mark with signature of two witness in attestation.

3552. Day Book.

No.	Month.	Date.	Receipt.	Amount.			No.	Month.	Date.	Expenditure.	Amount.		
				Rs.	As.	P.					Rs.	As.	P.

C. O. Govt. N. W. P. No. 15, *April* 4, 1859.

SECTION IX.

CONTRACT.

If workman neglect to perform work on account of which he has received an advance of money, complaint may be made to the Magistrate.

3553. When any artificer, workman, or laborer shall have received from any master or employer resident or carrying on business in any presidency town, or in any station of the settlement of Prince of Wales' Island, Singapore and Malacca, or from any person acting on behalf of such master or employer, an advance of money on account of any work which he shall have contracted to perform, or to get performed by any other artificers, workmen, or laborers, if such artificer, workman, or laborer shall wilfully and without lawful or reasonable excuse neglect or refuse to perform or get performed such work according to the terms of his contract, such master or employer or any such person as aforesaid may complain to a Magistrate of Police, and the Magistrate shall thereupon issue a summons or a Warrant, as he shall think proper, for bringing before him such artificer, workman, or laborer, and shall hear and determine the case.—*Act XIII.* 1859, *sec.* 1.

Magistrate may order repayment of advance or performance of contract.

3554. If it shall be proved to the satisfaction of the Magistrate that such artificer, workman, or laborer has received money in advance from the complainant on account of any work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate shall, at the option of the complainant, either order such artificer, workman, or laborer to repay the money advanced, or such part thereof as may seem to the Magistrate just and proper, or order him to perform or get performed, such work according to the terms of his contract; and if such artificer, workman or laborer shall fail to comply with the said order, the Magistrate may sentence him to be imprisoned with hard labor for a term not exceeding three months, or, if the order be for the repayment of a sum of money, for a term not exceeding three months or until such sum of money, shall be sooner repaid; provided that no such order for the repayment of any money shall, while the same remains unsatisfied, deprive the complainant of any civil remedy by action or otherwise which he might have had but for this Act.—*Ibid, sec.* 2.

Penalty if workman fail to comply with the order

Magistrate may require workman to give security

3555. When the Magistrate shall order an artificer, workman, or laborer to perform or get performed any work according to the terms of his contract, he may also at the request of the

for due performance of order.

complainant require such artificer, workman, or laborer to enter into a recognizance with sufficient security for the due performance of the order; and in default of his entering into such recognizance, or furnishing such security to the satisfaction of the Magistrate, may sentence him to be imprisoned with hard labor for a period not exceeding three months.—*Act XIII.* 1859, *sec.* 3.

To what contracts the Act extends.

3556. The word "contract," as used in this Act, shall extend to all contracts and agreements whether by deed, or written, or verbal, and whether such contract be for a term certain, or for specified work or otherwise.—*Ibid, sec.* 4.

Act may be extended by Government.

3557. This Act may be extended by the Governor General of India in Council, or by the Executive Government of any presidency or place to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such Officer or Officers as shall be specially appointed by Government to exercise such powers.—*Ibid, sec.* 5.

Government may empower any Magistrate to decide disputes as to wages or price of work

3558. It shall be lawful for the Executive Government of any presidency or place within the British territories in India to invest any Magistrate, or other Officer exercising the powers of a Magistrate, with power to enquire into and decide disputes on account of wages, hire of carriage, or the price of work between any workmen employed in the construction of any railway, canal or other public work, the construction of which is or shall be sanctioned by Parliament, or by any such Executive Government, and the person or persons by whom such workmen are employed.—*Act* IX. 1860, *sec.* 1.

Magistrates to have Jurisdiction in what cases

3559. Magistrates empowerd to decide disputes under the preceding section, shall have jurisdiction only in case the amount in dispute shall not exceed the sum of two hundred rupees, and the claim is preferred within six months from the date on which the cause of action arose. —*Ibid, sec.* 2.

Government to fix and alter Local limits of Jurisdiction.

3560. The Executive Government shall fix, and may, from time to time, alter the local limits of the jurisdiction of any Magistrate invested with jurisdiction under section I. of this Act. A Magistrate so invested may hold a Court for the investigation of disputes of the nature described in the said section at any place within the local limits of his jurisdiction,—*Ibid, sec.* 3.

Procedure in the investigation of disputes.

3561. The rules for the institution of suits as provided in act VIII. 1859, shall, as far as circumstances will allow, be followed in the investigation of disputes under the preceding sections and the procedure adopted shall be that provided for cases in which the suit may be disposed of at the first hearing.—*Ibid, sec.* 4.

No appeal.

3562. There shall be no appeal against any decision passed under this Act.—*Ibid, sec.* 5.

Order for payment.

3563. The Magistrate, having heard and decided the case, shall make an Order for the payment of such sum of money (if any) as shall appear to him to be justly due; and if the person ordered to pay shall make default in the payment of such sum immediately or within such time as the Magistrate shall direct, the Magistrate shall issue his warrant to levy the money by distress and sale of the goods and chattles of the defaulter.—*Ibid, sec.* 6.

Property trained.

3564. If any question shall arise whether any goods or chattles seized under the warrant of distress belong to the defaulter, or are liable to be distrained and sold as aforesaid, the same shall be determined in the mannar provided by the said Act VIII. 1859, for the determination of the like questions arising in the execution of decrees.—*Ibid, sec.* 7.

Penalty for workmen neglecting or refusing to work

3565. Any person who shall voluntarily engage for a stipulated period to work on any railway, canal, or other public work, the construction of which is or shall be sanctioned in the manner specified in section II. of this Act, or to execute any specific work in connection with such public work, and who shall wilfully and without lawful or reasonable excuse neglect or refuse to perform the work so stipulated for, shall be liable, or conviction before a Magistrate, to a fine not exceeding twenty rupees. The Magistrate may, at the request of the complainant

or of any one authorized to act on his behalf, instead of fining such person, order him to perform or get performed the work according to the terms of his contract or engagement, and if he shall fail to comply with the order, the Magistrate may upon proof to his satisfaction of such non-compliance, sentence such person to be imprisoned with or without hard labor for any term not exceeding two months.—*Act IX.* 1860, *sec.* 8.

Operation of Act.

3566. This Act shall take effect only in those Districts or places to which it shall be extended by order of the Governor General of India in Council or of the executive Government of any presidency or place.—*Ibid, sec.* 9.

SECTION X.

COPYRIGHT.

Preamble.

3567. Whreas doubts may exist whether the right called copyright can be enforced by the common law of England in those parts of the territories subject to the British Government in India into which the common law of England has been introduced :

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the territories subject to the said Government :

And whereas for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said territories :

And whereas it is doubtful whether the Act of Parliament 5 and 6 Vict. C. 45. entitled "An Act to amend the Law of Copyright," although such Act extend to every part of the British dominions, has made appropriate and sufficient provisions for the enforcement in every part of the said territories subject to the said Government of the said right by proprietors thereof and whether the said Act of parliament has made provision for the enforcement of the said right by or against any person not being subject to the jurisdiction of the courts established by her Majesty's Charter.—*Act XX.* 1847 *Preamble.*

Duration of copyright.

3568. It is therefore hereby enacted, that the copyright in every book published in the life time of its author within the said territories, after the passing of the Act of Parliament 3 and 4 Wm. IV, C. 85 entitled "an Act for effecting an arrangement with the East India Company, and for the better Government of his Majesty's Indian Territories till the 30th day of April, 1854," shall endure for the natural life of such author, and for the further term of seven years commencing at the time of his death, and shall be the property of such author and his assigns : provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the copyright shall in that case endure for a period of forty two years ; and that the copyright in every book published after the death of its author and after the passing of the Act of Parliament last aforesaid, shall endure for the terms of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published and his assigns.—*Ibid, sec.* 1.

License to republish on refusal of proprietor of copyright.

3569. And whereas it is expedient to provide against the suppression of books of importance to the public; it is enacted, that it shall be lawful for the Governor General in Council, on complaints made to them that the proprietor of the copyright in any book published after the passing of this Act within the said territories, has, after the death of its author, refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book in such manner and subject to such conditions as they may think fit; and it shall be lawful for such complainant to publish such book according to such license.—*Act* XX. 1847, *sec.* 2.

Registry of copyrights.

3570. A book of registry wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books and assignments thereof, and licenses affecting such copyright, shall be kept in the Office of the secretary to the Government of India for the Home Department, and shall at all convenient times be open to the inspection of any person, on payment of eight annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall, whenever thereunto reasonably required, give a copy of any entry in such book certified under his hand, to any person requiring the same, on payment to him of the sum of two rupees; and such copies so certified shall be received in evidence in all courts and in all summary proceedings, and shall be prima facie proof of the proprietor-ship or assignment of copyright or license as therein expressed but subject to be rebutted by other evidence.—*Ibid, sec.* 3.

How accessible.

Copies of entries to be given.

Entries in registry book how to be made.

3571. After the passing of this Act, it shall be lawful for the proprietor of copyright in any book published after the passing of the said Act of Parliament, 3 and 4, William IV., C. 85, to make entry in the registry book of the title of such book; the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the Schedule to this Act, annexed, upon payment of the sum of two rupees to the said Secretary; and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.—*Ibid, sec.* 5.

Their legal effect

Redress of persons aggrieved by registry

3572. If any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting, to any Judge of such Court sitting in chambers, for an order that such entry be expunged or varied, and upon any such application to the said Court, or to a Judge as aforesaid, such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just; and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisition of such order.—*Ibid, sec.* 6.

Penalty for infringement of copyright.

3573. If any person shall after the passing of this Act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he

shall have so offended within the local limits of the Jurisdiction of any of the Courts of Judicature established by her Majesty's charter, shall be liable to a special action on the case in such Court; and if he shall have so offended in any other part of the territories subject to the Government to a suit in the Zillah Court within the Jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there; and if he shall have so offended in any such last mentioned part of the territories subject to the British-Indian Government in which there is no Zillah Court, to a suit in the highest local Court exercising original civil Jurisdiction in such part of the said territories.—*Act* XX. 1847, *sec.* 7.

May be sued for in Her Majesty's and Mofussil Courts.

3574. After the passing of this Act, in any suit or action brought in any of the Courts of Judicature established by her Majesty's charter, under the provisions of this Act, against any person for printing any such book for sale, hire, or exportation, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed for sale or hire or for having in his possession for sale or hire any such book so unlawfully printed, the defendant on pleading thereto shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action, was not the author or first publisher of the book in which he shall by such action claim copy-rights or is not the proprietor of the copy-right therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copy-right therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the copy-right therein, together with the like of such book, and the time when and the place where such book was first published; otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action, was not the author or first publisher of the book in which he claims such copy-right as aforesaid, or that he was not the proprietor of the copy-right therein; and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copy-right therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication, with the title, time and place specified in such notice.—*Ibid*, *sec.* 8.

Proceedings to be held in Her Majesty's Courts

3575. After the passing of this Act, in any such suit or action as last aforesid, brought in any Zillah Court or other local Court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on, and which, by the last preceding Section, the defendant in any suit or action, brought in any of the Courts of Judicature established by her Majesty's charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.—*Ibid*, *sec.* 9.

Proceedings in the Mofussil Courts

3576. When any publisher or other person shall, within the said territories, before or at the time of the passing of this Act, but after the passing of the said Act of Parliament. 3 & 4 Wm. IV. C. 85 have projected, conducted, and carried on, or shall hereafter project conduct. or carry on, or be the proprietor of any encyclopædia review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any person to compose the same, or any volumes, parts, essays, articles, or portions thereof for publication [illegible] rt of the same, and such work, volumes, parts

Protection of copy right in articles in Encyclopædias and periodical works.

essays, articles, or portions shall have been, or shall hereafter be composed under such employment on the terms that the copy-right therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor, the copy-right in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion so composed and paid for, shall be the property of such proprietor, projector, publisher, or conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copy-right therein as is given to the authors of books in this Act; except only that in the case of essays, articles or portions forming part of and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor shall not publish any such essay, article, or portion separately or singly without the consent previously obtained of the author thereof, or his assigns: provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who by any contract, expressed or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right, shall be entitled to the copy-right in such composition, when published in a separate form according to this Act, without prejudice to the right of such proprietor, projector publisher, or conductor as aforesaid.—*Act* XX. 1847, *sec.* 10.

How the above articles are to be registered

3577. The proprietor of the copy-right in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts, shall be entitled to all the benefits of the registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first volume, number, or part first published after the passing of this Act in any such work, which shall have been published heretofore, and after the passing of the said Act of Parliment, 3 and 4 Wm. I. V. C. 85, and the name and place of abode of the proprietor thereof, and of the publisher thereof; when such publisher shall not also be the proprietor thereof.—*Ibid, sec.* 11.

Pirated copies forfeited to the copy right proprietor.

3578. Copies of any book wherein there shall be copy-right, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed without the consent of the registered proprietor of such copy-right, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copy-right, and who shall be registered as such; and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof.—*Ibid, sec.* 12.

Proceedings to recover printed copies in Her Majesty's Courts.

3579. If the case be within the Jurisdiction of any of the Courts of Judicature established by her Majesty's charter, such registered proprietor shall be entitled to sue for, and recover such copies, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover, and that if the case be within the Jurisdiction of any Zillah Court, or other Local Court as aforesaid, the registered proprietor shall be entitled to sue for, and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said Zillah or other Local Courts for the recovery of specific personal property, or damages for the detention or conversion thereof.—*Ibid, sec.* 13.

In the Mofussil Courts.

3580. No proprietor of copy-right in any book first published after the passing of the said Act of Parliament, 3 and 4 Wm IV. C 85, shall maintain, under the provisions of this Act, any action or suit at law or in equity or any summary proceeding in respect of any infringement of such copy-right, unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the book of registry, at the Office of the said Secretary, of such book, pursuant to this Act, provided always, that the omission to make such entry shall not affect the copy-right in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof, under the provision of this Act.—*Act XX.* 1847, *sec.* 14.

No proceedings under this Act to be taken without previous registry

3581. If any action or suit shall be commenced or brought in any of the Courts of Judicature established by her Majesty's charter against any person or persons whomsoever for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath in the said last mentioned Courts.—*Ibid, sec.* 15.

Recovery of Costs in Her Majesty's Courts.

3582. All actions, suits, indictments, informations, and other criminal proceedings, for any offence which shall be committed against the Act, shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect.—*Ibid, sec.* 16.

Limitation of suits Twelve months

3583. Provided always, and it is enacted, that nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.—*Ibid, sec.* 17.

Rights existing and anterior to this Act protected.

3584. Schedule No. I.

Original entry of Proprietor-ship of Copy-right of a Book.

Time of making the entry.	Title of Book	Name of the publishers and place of publication	Name and place of abode of the Proprietors of the Copy-right.	Scale of First publication.

3585. No. 2.

Form of Entry of Assignment of Copy-right in any Book previously registered.

Date of entry	Title of Book.	Assigners of the Copy-right	Assignee of the Copy-right.
	(Set out the Title of the Book, and refer to the page of the registry Book in which the original Entry of the Copy-right thereof is made)		

Mode of effecting registry of copy-right in the N. W. P.

3586. With reference to the provisions of section 5 Act XX. 1847, for effecting the registry of copy-right under the rules therein laid down in a register to be kept in the Office of the Secretary to the Government of India in the Home Department, it is notified that the several Magistrates are hereby authorized and required to receive any applications for registry, which may be presented to them containing the required particulars, and accompained by the registry fee of two Rupees. The application should be presented to the Magistrate in triplicate; one copy he will retain in his own Office, and the other two he will forward to the Office of the Secretary to the Government N. W. P. with a draft on the General Treasury for the amount of the fee. Steps will then be taken in communication with the Secretary to the Government of India, Home Department for securing the regular entry of the title in his Register.—*Order of Govt. N. W. P. No.* 727, *April* 16, 1853.

SECTION XI.

OF CRIMPING AND EMIGRATION.

Definition of crimping.

3587. Any person who by force or fraud, unlawfully detains in any place or decoys to any place any native of India, with intent to force or prevail upon him to enter into any service, or contract for service, to be performed out of the territories under the British Government in India, into which he was not minded to enter without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force, or fraud, causes any native of India, to enter into any such service or contract for service, or who attempts, by force, or fraud, or by any false promise, pretence or representation, to cause any native of India to depart either by land or water from the territories under the said Government is a crimp, and guilty of crimping, within the meaning of this Act.—*Act* XXIV. 1852, *sec.* 1.

Meaning of term emigration.

3588. The departure of any person out of the territories under the said Government, by land or water, is emigration from the said territories within the meaning of Act XIV. 1839, and of this Act.—*Ibid, sec.* 2.

No offence to contract for labor in a foreign settlement on the main land of India.

But to contract for labor out of British India is crimping

Departure of native from British India prima facie evidence

3589. After the passing of this Act no person shall be liable to the penalties of Act XIV. 1839, for making, in good faith, any contract with any native of India, for labor to be performed in any foreign settlement on the main land of India, or for knowingly abetting or aiding any native of India in emigrating from the said territories to any such foreign settlement. Provided that if any person shall make any contract with any native of India for service or labor to be performed by such native out of the territories under the said Government, or cause any native of India to depart from the said territories, or knowingly aid or abet such native of India in emigrating from the said territories to any such foreign settlement with intent that such native shall afterwards depart from India, such person shall be deemed to be a crimp, and guilty of crimping within the meaning of this Act, and proof of the subsequent departure of such native from India, from any place out of the aforesaid territories within the period of six months from the time of the departure of such native from the said territories shall be prima facie evidence of such intent.—*Ibid, sec.* 3.

Penalty for crimping.

3590. Every crimp within the meaning of this Act is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding five hundred rupees.—*Ibid, sec.* 4.

3591. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence, or representation, force or decoy any native of India out of British India, or fraudulently cause any such native to depart there from shall be liable to be imprisoned for a term not exceeding three years.—*Act XXIV.* 1852, *sec.* 5.

Penalty in the case of force, fraud, or decoy.

3592. In every case in which under this Act imprisonment may be awarded for any offence it shall be lawful for the Court, who may award such imprisonment, to sentence the offender to be kept to hard labor during the whole or such period or periods of such imprisonment as to such Court shall seem meet.—*Ibid, sec.* 6.

Labor may be awarded.

3593. Every person who makes with any native of India any contract of labor to be performed in any British or foreign colony without British India; or who knowingly abets or aids any native of Inida in emigrating from the said country for the purpose of being employed as a laborer; is liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every native so contracted with, aided, or abetted; and, in default of payment of such fine, to be imprisoned for a term not exceeding 3 Months; or to be imprisoned, or imprisoned and kept to hard labor for a term not exceeding 3 Months for every native so contracted with, provided that such imprisonment shall not in any case exceed 6 months for any one offence.—*Act XIV.* 1839, *sec.* 2. *Act. XXIV.* 1852, *sec.* 7.

Penalty for contracting with a native to labor in a British or foreign colony or aiding a native in emigrating for such purpose.

3594. In every case in which any person shall commit an offence under Section 2, Act, XIV. 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a criminal court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labor for any period not exceeding one year; and in every indictment, information, or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section 2, Act, XIV. 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the Deputy, or legally authorized assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient prima facie evidence of the first conviction, without proof of the signature or Official character of the person appearing to have signed such certificate.—*Act XXIV.* 1852, *sec.* 8.

Penalty for second offence.

Proof of previous conviction.

3595. The term "Magistrate" in Act XIV. 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.—*Ibid, sec.* 9.

Meaning of Magistrate.

3596. Nothing in this Act contained is to be taken to apply to any native sea-man, who of his own free-will contracts to navigate any vessel, or who embarks on board such vessel in pursuance of such contract; or to any person who contracts to serve as a menial servant only, or who embarks as such menial servants.—*Act, XIV.* 1839, *sec.* 3.

The above is not applicable to native sea-men or menial servants.

3597. The above Act does not apply to the emigration of labours being native inhabitants of the British Indian Territories from the ports of Calcutta, Madras, or Bombay, to the Mauritius, St, Lucia, Grenada, Jamaica, British Guiana, or Trinidad; St. Vincent, Natal, St. Kitty for the French Colonies, but is in full force in all the other ports of India proceeding to other places than those above named.—*Act XV.* 1842, *sec,* 1 *Act XXXI.* 1855 *sec.* 2 *Act XX I.* 1844 *sec.* 1 *and Acts* XII. XXXIII. XLI. *and* XLVI. *of* 1860.

Nor to persons emigrating form Calcutta, Madras or Bombay to Mauritius, St. Lucia, Grenada, British Guiana, or Trinidad, &c.

3598. The duffadars employed by emigration agents are provided with a species of purwana by them, addressed in English to the judges, Magistrates, and Collectors of the Zillahs, but in the native languages to the darogahs of Police, Zumeendars and others, for the purpose of securing them from interruption: as it is extremely probable that such purwanas are represented by these men to

Magistrates to look closely after the Duffadars employed by the emigration agents who carry a certain

kind of perwana in order to give the appearance of authority to their proceedings.

the ignorant people as Official documents giving them some degree of authority in their proceedings, Magistrates are required to be on the alert to detect and bring to punishment any duffadar or other person who, being in possession of a document of this nature, may practise fraud, extortion, or oppression of any kind upon the people. They should also discourage the use of these papers or purwanas, and keep so strict an eye upon the movements of those who bear them, that they may be made aware of their producing no real advantage, but on the contrary exposing them to suspicion and distrust.—*C. O. Sup. Pol. L. P. No.* 25, *Nov.* 3, 1843.

SECTION XII.

OF DACOITS.

Formation of a register of Sirdar dacoits and systematic receivers of plundered property.

3599. The Court of directors observe that with regard to the Sirdar dacoits and the receivers of plundered property who systematically follow dacoity as a profession, measures might be taken under the direction of the Superintendent of Police for keeping a register of the chief persons of either description, as has been done with such success in the thuggee department. Such a register might gradually be formed by preserving and connecting together the information procured with respect to each remarkable dacoity Information for the same purpose might often be procurable from prisoners either before their trial or while undergoing their sentence. Care should be taken that persons about to be brought to trial for dacoity, or under sentence of imprisonment for that crime, should not have such means of communication with other parties, as may be used in the one case for the corruption or intimidation of witnesses, or in the other case for effecting their escape" The Superintendent of Police calls the attention of Magistrates to the subject, and remarks, that the great danger to be guarded against is the propensity of the prisoners to implicate innocent persons, and to give such information as they think is required though unsupported by facts.—*C. O. Sup. Pol. L. P. No.* 13, *Oct.* 15, 1846.

Caution in regard to dosads.

3600. Gangs of dosads come down the river in boats of about 300 maunds, ostensibly a purchasers of grain, under which they conceal their plunder and implements of dacoity. They have spies in the villages along the banks of the river; and after the perpetration of any dacoity, which is usually in a village not more than 3 miles distant from the river, they quietly drop some distance down the stream, and bring to at or near another village under pretence of procuring gram.—*Letter of Sup Pol. L. P. February* 15, 1848.

The evidence of approvers must be received with caution

*For rule regarding the qualified pardon offered to dacoit approvers, see C. O No 30 of vol. 2.

3601. The criminal authorities are to be on their guard against the abuse and oppression, to which the systematic and exclusive employment of appovers* for the conviction of persons accused of dacoity is necessarily liable: the testimony of men, by their own acknowledgment stained with the same crimes which they lay to the charge of others, stands always in need of some corroborative evidence; and if it be received with favor or without distrust, may from vindictive or selfish motives, or even from mere wantonness, be turned equally against the innocent and the guilty.—*C. O. No.* 195 *of Vol.* 3, *L. P. January* 31*st*, *W. P. April* 18*th*, 1845.

When the evidence of aprovers is relied on, it should be shown that there was no collusion.

3602. The concurring evidence of approvers, taken under circumstances which preclude mutual consent or any external suggestion by which their statements could be influenced, may be very deserving of belief, where those statements are confirmed as to all particulars by a reference to facts by which it is possible to test them. But then it ought to be very carefully ascertained that the evidence, relied on in any particular case, has been really obtained under the safe-guard of those necessary conditions. It is proper to summon on the trial competent witnesses for the purpose of affording formal and satisfactory proof, that the statements of the approvers were, from the first, taken under circumstances which would render collusion impracticable.—*N. A. R. Vol.* 6, *page* 292.

SECTION XIII.

Of Foreigners.

3603. Every foreigner shall on his arrival in any part of the territories in the possession of and under the British Government in India from any port or place not within the said territories or from any port or place not subject to the provisions of this Act forthwith report himself to the Commissioner of Police if he should arrive at any of the presidency towns, or if he shall arrive at any other place, to the Magistrate or to such other Officer as shall be appointed to receive such reports by the Governor General in Council (or in places within their respective jurisdictions) by the Executive Government of any Presidency or place or by the Chief Commissioner of the Punjaub, the Chief Commissioner of Oude or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban provinces respectively. Provided that nothing contained in this section shall extend to any foreigner being the master or Commander of a Ship or Vessel or employed therein.—*Act* XXX*III*. 1857, *sec.* 7.

Every foreigner to report his arrival in India.

Except a foreigner being the master of a vessel or employed therein.

3604. The report shall be in writing; and shall be signed by the person reporting himself; and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in the said territories; and the report shall be recorded by the Officer to whom it is made.—*Ibid, sec.* 2.

What to be stated in the report.

3605. If any person included in the provision to Section I shall remain in any part of the said territories after he shall have ceased, to be employed in a ship or vessel, he shall forthwith report himself in manner aforesaid.—*Ibid, sec.* 3.

Foreigners being masters of vessels or employed therein to report themselves when they cease to be so employed.

3606. If any foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of foreigners travelling without a license.—*Ibid, sec.* 4.

Foreigners neglecting to report themselves to be dealt with in like manner as foreigners travelling without a license.

3607. No foreigner shall travel in or pass through any part of the territories in the possession of and under the British Government in India, without a license.—*Ibid, sec.* 5.

No foreigner to travel in India without a license.

3608. Licenses under this Act may be granted by the Secretary to the Government of India, in the Foreign Department; or by the Chief Secretary to the Governments of Fort Saint George and Bombay respectively, or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude; or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim, and Martaban provinces respectively, or by such other Officers as shall be specially, authorized so to do by the Governor General of India in Council, or by the Executive Government of any presidency or place, or by any of the Chief Commissioner or Commissioners aforesaid.—*Ibid, sec.* 6.

Licenses by whom to be granted.

3609. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass, or the limits within which he is authorized to travel, and the period, (if any) during which the license is intended to have effect.—*Ibid, sec.* 7.

What to be stated in license.

3610. The license may be granted, subject to such conditions (if any) as the Governor

License may be

granted subject to conditions and may be revoked.

General in Council, or the Executive Government of any presidency or place, or (as regards their several Jurisdictions) any of the said Chief Commissioners or Commissioners may by any general order direct, or as the Officer granting the license may deem necessary; and the license may be revoked at any time by the Governor General in Council, or by the Executive Government of any Presidency or place or by the Officer granting the same.—*Act XXXIII.* 1857, *sec.* 8.

Foreigner travelling without or contrary to the conditions of license may be apprehended.

3611. If any foreigner travel in or attempt to pass through any part of the said territories without such license as aforesaid, or beyond the Districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or by a member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer.—*Ibid, sec.* 9.

Procedure upon apprehension.

Magistrate to report to Government.

3612. If any person be apprehended by a person not being a Magistrate or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate; and whenever any person shall be apprehended by or taken before a Magistrate, such Magistrate shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged; or to be conveyed to one of the presidency towns, or to be detained pending the orders of such Government.—*Ibid, sec.* 10.

Persons apprehended may be admitted to bail.

3613. All persons apprehended or detained under the above mentioned provisions of this Act, may be admitted to bail by a Magistrate or by any of the Officers authorized to grant licenses, and shall be put to as little inconvenience as possible during their detaintion in custody.—*Ibid, sec.* 11.

Removal of persons apprehended.

3614. The Governor General in Council, or the Executive Government of any Presidency or place, may order any such person to remove himself from the said territories by sea or by such other route as the Government may direct, or the Government may cause him to be removed from the said territories by such route and in such manner as to the Government shall seem fit.—*Ibid, sec.* 12.

Government may order any foreigner to remove himself.

3615. The Governor General in Council or the Executive Government of any presidency or place, or any of the Chief Commissioners or Commissioners mentioned in section 6 of this Act, may by writing order any foreigner within his jurisdiction to remove himself from the territories in the possession of and under the British Government in India or to remove himself therefrom by a particular route to be specified in the order.—*Ibid, sec.* 13.

Foreigner refusing to remove or returning without license after removal may be apprehended and detained.

3616. If any foreigner ordered to remove himself from the said territories, or ordered to remove himself therefrom by any particular route shall neglect or refuse so to do; or if any foreigner having removed himself from the said territories in consequence of an order issued under any of the provisions of this Act or having been removed from the said territories under any of the said provisions; shall wilfully return to the said territories without a license in writing granted by the Governor General of India in Council or by the Government or Officer under whose order he shall have removed himself or been removed; such foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section 6 of this Act, within whose Jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner or Commissioners shall deem sufficient for the peace and security of the British territories, and of the allies of Her Majesty and of the neighbouring princes and states.—*Ibid, sec.* 14.

3617. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioner or Commissioners mentioned in Section 6 of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural born subject or subjects of Her Majesty within the meaning of Section 81, 3 and 4 William IV. cap. 85, from travelling in or passing through any part of the said territories, or from passing from any part of India to another, without a license to be granted by such Officer or Officers as shall be specified in the order; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section 9 of this Act, and carried before a Magistrate, and dealt with under the provisions of Section 10 in the same manner as if he were a foreigner; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British territories.—*Ibid, sec.* 15.

Government may prohibit persons not being natural born subjects, from travelling or passing through any part of India without a license.

3618. It shall be lawful for the Commissioner of Police or for a Magistrate, or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any port or place within the territories in the possession of and under the control of the British Government in India, in order to ascertain whether any foreigner bound to report his arrival under Section 1 of this Act is on board of such ship or vessel; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid to adopt such means as may be reasonably necessary for that purpose; and the master or commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, or other Officer as aforesaid, deliver to him a list, in writing of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation or intended disembarkation, and answer, to the best of his knowledge, all such questions touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any port of India, as shall be put to him by the Commissioner of Police, or other Officer as aforesaid. If any foreigner on board such ship or vessel in any part of India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt within the same manner as a foreigner travelling in India without a license.—*Act XXXIII.* 1857, *sec.* 16.

Police Officer may board vessel to ascertain whether foreigners are on board.

Master of vessel to furnish list of passengers and to give information respecting them.

Foreigner refusing to give account of himself not to be allowed to disembark.

3619. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall, upon conviction before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment for any term not exceeding six months or to both.—*Ibid, sec.* 17.

Obstructing Officers.

3620. If the master or commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand rupees.—*Ibid, sec.* 18.

Neglect by master of vessel to comply with requisitions of this Act.

3621. Whoever shall wilfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years, and shall be liable to a fine not exceeding one thousand rupees.—*Ibid, sec.* 19.

Penalty for false answer or report.

3622. The word "foreigner" in this Act shall be deemed to mean a person not being either a natural-born subject of Her Majesty within the meaning of Section 81, 3 and 4 William IV. cap. 85, or a native of a place in the possession and under the Government of the British Government in India. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and a Justice of the peace.—*Ibid, sec.* 20.

Interpretation of "foreigner," and Magistrate.

Proof of being a foreigner.

3623. If a question shall arise whether any person alleged to be a foreigner and to be subject to the provisions of this Act is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner or is not subject to the provisions of this Act, shall lie upon such person.— *Act XXXIII.* 1857, *sec.* 21.

Duration of Act * F F to December 5th 1859. Act not to extend to certain places unless so declared.

3624. This Act shall continue in force for 2 years ;* and it shall not extend to the settlement of Prince of Wales' Island, Singapore, and Malacca, or to the territory of Aden, unless the same shall be specially declared applicable to such settlement or territory by the Governor General of India in Council.—*Ibid, sec.* 22. (But see para. 3627.)

Exceptions and exemptions.

3625. The foregoing provisions of this Act shall not extend to any foreign Minister duly accredited by his Government, nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government. The Governor General in Council, or (as regards their respective jurisdictions) the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section 6 of this Act, may exempt any person, or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act; and may at any time revoke any exemption.—*Ibid, sec.* 23.

Indemnity

3626. Any Officer of Government or other person who, prior to the passing of this Act, may have done any thing which would have been justified by this Act if it had been in force at the time, is hereby indemnified for so doing ; and no action or other proceeding shall be commenced or prosecuted in respect of any thing so done.—*Ibid, sec.* 24.

Act. XXXIII. of 1857, revived and continued in force till the 5th December 1863.

3627. Act XXXIII. of 1857 shall continue in force for the period of two years from the 5th day of December 1861, and shall be deemed and taken to have had effect as if this Act had actually passed and received the assent of the Governor General before expiration of the said Act XXXIII. of 1857.—*Act* I., 1862.

Provisions of Act 33 of 1857 to be strictly and uniformly enforced.

3628. The provisions of Act XXXIII. of 1857 should be strictly and uniformly enforced with regard to all European Foreigners entering into, or travelling through these Provinces without the required license; American Foreigners will also fall within the same category. Commissioners will therefore keep a careful look out for the entry of all such Foreigners into their Divisions, and apply the law in every case of their unlicensed entry. They will be careful to act in the spirit of Section 11 of the Act, so as to put Foreigners whom it may be necessary to stop pending the result of an application for a license, to as little inconvenience as possible.—*Govt. Order Dec.* 16, 1857, *para.* 2, *and No.* 887*A*, *April* 8, 1862, *W. P.*

Commissioners to prepare list of foreigners and submit it with a confidential report

3629. Commissioners will further prepare a list of all such Foreigners now residing within their Divisions, submitting the same with a confidential report to this Government. They will also warn all Foreigners so residing of the provisions of this Act in case their wishing hereafter to travel in India. —*Ibid, para* 3, *and Ibid.*

Applications for license.

3630. All applications for licenses will be forwarded by Commissioners to Government, likewise with confidential Reports.—*Ibid, para* 4, *and Ibid.*

Provisions of the Act not to be applied to Asiatic foreigners generally.

3631. It is not understood to be the wish of the Government of India, to apply the provisions of this act to Asiatic Foreigners generally, whether belonging to nations out of India, or Indian subjects, either of independent or dependent states. But it is undoubtedly intended to keep a watch over all suspicious Foreigners of these classes also and apply the act in any special cases where prudence may seem to require the measure. The Act will also enable the Police to prevent the entry of gangs of vagrant Foreigners, such as have in some parts of India occasionally given much trouble.—*Ibid, para.* 5, *and Ibid.*

3632. Commissioners will issue to the District Officers in their Divisions orders in accordance with these instructions.—*Ibid, para.* 6, *and Ibid.*

SECTION XIV.

Ghaut Manjees.

3633 The local authorities are not to interfere with Ghaut Manjees further than steadily to refuse to recognize their claims to make exactions, and promptly to punish every attempt illegally to enforce those claims, and especially the detention of boats without the consent of the owners, or other acts founded on pretended authority. The Ghaut Manjees are in fact agents for hiring boats, and of course are entitled to make a charge for their trouble; and therefore, beyond the above precautions, the suppression of the custom must be left to the mutual interests of the parties concerned in hiring and letting out boats.—*Const No.* 606.

Ghaut Mangees not to be recognized by the authorities.

SECTION XV.

Of Government Seal.

3634. Whereas it is expedient to adapt the law relating to the use of a Government Seal to the present form of the Government in India; it is enacted as follows:—

Whenever it is required by any Regulation of a local Government, or by any Act of the Governor General of India in Council, that the seal of the East India Company shall be affixed on behalf or by the authority of the Government to any instrument or document, it shall be lawful if the seal is to be affixed on behalf or by the authority of a local Government, to affix in lieu of the seal of the East India Company, a seal bearing the designation of such local Government, or, if the seal is to be affixed on behalf or by the authority of the Government of India, a seal bearing the inscription "Government of India;" and such instrument or document so sealed shall to all intents and purposes be as valid and effectual as if the seal so used had been that of the East India Company.—*Act* III. *of* 1862.

What seal to be used instead of the seal of the East India Company.

SECTION XVI.

Of Immigrants creating disturbances in their parent country

3635. Whenever the Governor General in Council, upon due investigation is satisfied that the Immigrants from any state * who have sought an asylum in the British territories, or the

Government may order removal of im

* The preamble, which sufficiently explains the reasons for the enactment of these provisions, is as follows: "Whereas considerable bodies of persons, being natives of Arracan, and ordinarily denominated Mugs, have from time to time emigrated from that country, and established themselves in that part of the District of Chittagong, which lies contiguous to the Arracan frontier; and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the

Emigrants creating disturbances in the countries from which they have emigrated.

descendants of any such emigrants have abused the protection afforded to them by attempts to excite disturbances in the state from which they or their ancestors have emigrated, it is competent to the Governor General in Council, to order the removal of those persons to such other part or parts of the country, as is judged most convenient for their future residence. In like manner it is competent to the Governor General in Council to order such removal, whenever he has grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors have emigrated, is likely to cause any serious misunderstanding between that state and the British Government.—*Reg.* XI. 1812, *sec.* 2.

Rules for the disposal of the property of such persons ordered to be removed.

3636. Whenever any body of emigrants, or any individuals belonging to such body, are ordered to be removed from the part of the country, in which they have been established, they are to be allowed to dispose of any property, which they have acquired in such manner as they judge proper; provided however that, if nevertheless they retain the right to any real property at the period of their actual removal, it is competent to the Governor General in Council, to order such property to be sold by public auction under the Superintendence of the Collector of the District. In that case the nett proceeds of the sale are to be duly paid to the person or persons to whom the said property belonged.—*Ibid, sec.* 3.

Government may order such persons committing such offences to be confined for such time as is deemed necessary.

3637. In cases in which the Governor General in Council is satisfied, on due inquiry and mature deliberation, that either the preservation of the tranquillity of the British territories or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other states, requires that any of the leaders or other persons of the above description, who have committed the offences mentioned in Section 2 of this regulation, should be placed and detained under restraint, it is competent to the Gavernor General in Council to order any such persons, having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place and under the custody of such Public Officers, and detained in confinement for such time, as is deemed by the Governor General in Council necessary for the public good.—*Ibid, sec.* 4.

Such persons committing such offences liable to what penalties.

3638. Any persons of the above description, or their descendants, who, while living under the protection of the British Government, enter the country from which they or their ancestors have emigrated, or any foregn country, and excite or attempt to excite disturbances in the said countries, are liable to be brought to trial for that offence before the Sessions Court, and if convicted are to be sentenced to suffer imprisonment for the period of 7 years.—*Ibid, sec.* 5, *cl.* 1.

Persons assisting such parties to commit such offences liable to what penalty.

3639. Any persons, whether native British subjects, or aliens, who furnish emigrants from foreign Countries with any assistance either of men, money, or arms, in prosecution of their

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British territories, have excited disturbances and even levied war in the country of Arracan against the Government of Ava, of which state Arracan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity, which subsist between the British Government and the Government of Ava; and whereas it is in consequence necessary that the Governor General in Council, should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arracan, or any other bodies of aliens or their descendants from the vicinity of the country, from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being natives of foreign countries or their descendants, for offences of the above nature actually committed by them in the territories of the state from which they may have emigrated; and whereas it is necessary to make provisions for the trial of persons committing or aiding in the Commission of the said offences; &c."

attempts to excite disturbances in the country, from which they have emigrated, or in any other country, or otherwise aid such aliens in the prosecution of their criminal design, are liable to be brought to trial for that offence before the Sessions Court, and if convicted are to be sentenced to suffer imprisonment for the term of 7 years: provided however that, if the Sessions Judge, by whom the case is tried, is of opinion that the punishment, established by this and the preceding clause, should in any instance be mitigated, he is to submit the proceedings held on the trial to the Nizamut Adawlut, who will recommend to the Governor General in Council, such alleviation of the prescribed punishment, as they judge proper: provided moreover that no sentence or order, which is passed on the trial of any persons under the provisions of this Regulation, is competent or is to be construed to preclude the Governor General in Council, from the exercise of the power vested in the Government by Section 4.—*Reg. XI.* 1812, *sec.* 5, *cl.* 2.

Such cases to be submitted for mitigation to Nizamut Adawlut.

Government may in all cases order imprisonment as above.

SECTION XVII.

OF INDIGO CULTIVATION.

3640. Any person in whose favor a summary award has been passed (under this Regulation) for indigo plant the produce of any defined spot of land, is entitled to place a watch over the same, and to prevent the cutting and removal of the plant in any manner contrary to the stipulations of his agreement; and in the event of any attempt being made to cut or remove the plant, it is competent to the person holding the decree to apply to the nearest Police Darogah, and to claim from him the assistance of the Police in preventing such removal; it is moreover the duty of the Police Officers, and of all other Officers, on such a decree being exhibited, to aid the person in whose favor it has been passed to the utmost of their power.—*Reg. VI.* 1823, *sec.* 4, *cl.* 1.

Persons holding a summary award for the produce of a defined spot of land may apply for the aid of the Police to prevent the removal of the plant.

3641. In the case of a ryot entering into an engagement with an indigo planter for cultivation of a particular spot of ground, and afterwards wishing to evade the fulfilment of that engagement, the planter is not justified in cultivating the land by means of his own servants, nor has he a right to demand the assistance of the Police for the purpose of compelling the ryot to fulfil his contract. His only legal remedy in such case is in the Civil Court.—*Const. No.* 885.

A planter cannot demand the aid of the Police to compel a ryot to fulfil his contract for the cultivation of Indigo.

3642 The Magistrate can interfere in cases of indigo disputes, only when they are cognizable under Act IV. 1840; (now Chap. 22, Act XXV. 1861,) and in such cases he may depute his assistant to make a local investigation. In disputes regarding indigo which do not come within the provisions of Act IV. 1840, the enquiry must be made and final decision passed in the Civil Court; to which Court the Magistrate must refer the parties in all cases in which he cannot act himself.—*Const. Nos.* 652, *and* 661.

How far the Magistrate can interfere in cases of indigo disputes.

3643. Where A, a ryot, complains against C, an indigo planter, as likely to carry off indigo plant grown by him, and states himself to have received advances from, and to have grown the disputed plant for B, another indigo planter; and C, declares that he also has made advances to A and that A. has cultivated the plant for him, which however A. denies; in the trial of such a case under Act IV. 1840, (now Chap. 22, Act XXV. 1861,) A, is to be considered in possession of the disputed corps, and is to be allowed to deliver the disputed plant to either B or C as he may think fit, and an order may be passed by the Magistrate prohibiting C, form attempting to take forcible possession. C, will of course have his redress in the Civil Court, and if he timely take his measures there, supposing his claim to be in reality a better one than that of B, he might upon giving security, on a summary enquiry, be enabled to cut and carry away the disputed plant.—*Const. No.* 1359.

The ryot who has cultivated the crop is in possession and not the planter for whom he has received advances and where the ryot has taken advances from two parties they must all be referred to the Civil Court.

SECTION XVIII.

Of Lottery and Gambling.

Lotteries are illegal.

3644. In the British territories in India all lotteries not authorized by Government are to be deemed common and public nuisances and against law.—*Act V.* 1841, *sec.* 1.

Penalty for keeping an Office for drawing of lotteries or for allowing such to be drawn in the house.

3645. No person is to keep in the said territories, publicly or privately, any office or place for the purpose of drawing any lottery not authorized by Government, or to have any such lottery drawn, or knowingly to suffer any such lottery to be drawn in his or her house; and any person so offending is, for every such offence, upon conviction before a Justice of the peace or Magistrate, to be punished by fine not exceeding 5000 rupees.—*Ibid, sec.* 2.

Penalty for taking part in any lottery, or publishing any proposal for such purposes

3646. No person is, under any pretence, device, or description whatsoever, to agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such lottery; or to publish any proposal for any of the purposes aforesaid; and any person, offending in any of the matters mentioned in this Section, is for every such offence, upon conviction before a Justice of the peace or Magistrate, to be punished by fine not exceeding 1000 Rupees.—*Ibid, sec.* 3.

Disposal of such fines.

3647. Every fine which is incurred under the provisions of this Act, is to be applied, one-half to the use of Government, and the other half to the use of the informer or informers.—*Ibid, sec.* 4.

All wagers are null and void, and are not to be enforced in the Courts.

3648. All agreements, whether made in speaking, writing, or otherwise, by way of gaming or wagering, are to be null and void: and no suit is to be allowed in any Court of law or equity for recovering any sum of money or valuable thing alleged to be won on any wager or entrusted to any person to abide the event of any game, or on which any wager is made.—*Act XXV.* 1848, *sec.* 1.

SECTION XIX.

Of Marriages.

Preamble.

3649. Whereas by an Act passed in the session of Parliament holden in the fourteenth and fifteenth years of the reign of her present Majesty, entitled, "an Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor General of India in Council from time to time, by laws and regulations (not inconsistent with the provisions of the said Act of Parliament,) to be made in the manner, and subject to the provisions, by law required in respect of laws and regulations made by the said Governor General of India in Council, to provide for the inspection and publication of notices of marriage given under the said Act of Parliament, for the custody and protection from injury of marriage register books, for appeals from and references in case of doubt by the marriage registrars in relation to marriages forbidden or protests entered under the said Act of Parliament, for fixing the hours between which marriages might be solemnized under the said Act of Parliament, for appointing the

Officers to whom certificates were to be transmitted by the marriage registrars, and generally for giving effect to the provisions of the said Act of Parliament: it is hereby enacted as follows.—*Act V.* 1852, *preamble.*

Form of notice and length of residence necessary.

3650. In every case of marriage intended to be solemnized in India under the provisions of the said Act of Parliament, one of the parties shall give notice in writing, in the form of Schedule A* to this Act annexed, or to the like effect, to any marriage registrar of the District within which the parties shall have dwelt for not less than five days then next preceding, or, if the parties dwell in different Districts, shall give the like notice to a marriage registrar of each District; and shall state therein the name and surname, and the profession, or condition of each of the parties intending marriage, the dwelling-place of each of them, and the time, not being less than five days during which each has dwelt therein, and the Church, Chapel, or other building in which the marriage is to be solemnized; provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.—*Act V.* 1852, *sec.* 1.

Inspection of notices.

3651. The marriage registrar shall file all such notices, and keep them with the records of his Office, and shall also forthwith enter a true copy of all such notices, fairly into a book, to be for that purpose furnished to him by the Government, to be called the "marriage notice book;" and the marriage notice book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.—*Ibid, sec.* 2.

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* NOTICE OF MARRIAGE.

To *Mr. John Cox*, a Registrar of the District of *Calcutta* in Bengal.

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described.

Name.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel, place of worship or building in which marriage is to be solemnized.	District in which the other party resides when the parties dwell in different districts.
James Smith,..	*Widower.*	*Carpenter.*	*Of full age,*	16 *Clive Street,*	23 *Days,*	*Union Chapel, Dhurrumtollah.*	
Martha Green,..	*Spinster.*	.....	*Minor.*	20 *Hasting's Street.*	*More than a month.*		

Witness my hand this *sixth day of May, one thousand eight hundred and fifty two.*

(*signed*) James Smith

(The Italics in this schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.)—*Act V.* 1852, *schedule A.*

Publication of notices.

3652. The marriage registrars, or registrar, of all Districts in the British teritories in India, shall respectively publish all such notices of marriage given in their respective Districts by causing a copy of such notices to be affixed in some conspicuous place in their respective Offices, or, where such registrars are ministers of the christian religion, ordained or otherwise set apart to the ministry of the christian religion, such notices shall be affixed in some conspicuous place in the church or chapel or place of worship in which such ministers respectively officiate. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every marriage registrar shall, within twenty four hours after the receipt by him of the notice of such marriage, send, or cause to be sent, by the post or otherwise, a copy of such notice to all the other marriage registrars (if any) in the same District, who shall likewise affix the same in some conspicuous place in their own Offices or chapels as aforesaid.—*Act V.* 1852, *sec.* 3.

Suspension of certificate in the case of minors.

3653. Where, by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, the marriage registrar shall not issue his certificate under the provisions of the second Section of the said Act of Parliament until the expiration of fourteen days after the entry of such notice of marriage.—*Ibid, sec.* 4.

Supreme Court may order registrar to issue his certificate in less than fourteen days.

3654. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending marriage are at the time resident in any of the Town of Calcutta, Madras or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, it shall be competent for both parties intending marriage to apply by petition to the Supreme Court of such Town, or any judge thereof for an order upon the marriage registrar to whom the notice of marriage has been given directing him to issue his certificate at some time before the expiration of the said fourteen days required by Section 4 of this Act. And it ahall be competent to the said Supreme Court, or any judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such marriage registrar, directing him to issue his certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section 4; and the said marriage registrar, on receipt of the said order, shall proceed to issue his certificate in accordance therewith.—*Ibid, sec.* 5.

Form of certificate.

3655. The certificate to be issued by the marriage registrar, under the provisions of the second section of the said Act of Parliament, may be in the form of schedule B.* to this Act annexed, or to the like effect, and the Government of each presidency or place shall furnish to every marriage registrar a sufficient number of forms of certificate.—*Act V.* 1852, *sec.* 6.

Notice and certificate to be translated to native Christians.

3656. When any native Christian about to be married, applies for or tenders a notice of marriage or applies for a certificate from a marriage registrar, such marriage registrar shall ascertain whether the said native Christian understands the English language; and, if he does not, the said marriage registrar shall translate such notice or cettificate, or both of them, as the case may be, or shall

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* SCHEDULE B.

REGISTRAR'S CERTIFICATE.

I *John Cox*, a registrar of the District of *Calcutta in Bengal*, do hereby certify, that on the *6th* day of *May*, notice was duly entered in my marriage notice book, of the said District of the marriage intended between the parties therein named and described, delivered under the hand of *James Smith* one of the parties, (that is to say,)

cause the same to be translated to such native Christian, in the language of such native Christian, or the said marriage registrar shall otherwise ascertain whether such native Christian is cognizant of the purport and effect of the said notice and certificate.—*Act V.* 1852 *sec.* 7.

How issue of certificate may be forbidden.

3657. Any person authorized in that behalf may forbid the issue of the marriage registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized; and the said word "forbidden" so written and subscribed as aforesaid, shall be deemed a protest, within the meaning of the seventh Section of the said Act of Parliament.—*Ibid, sec.* 8.

References by the registrars in cases of doubt.

3658. In all cases where a marriage registrar, acting under the provisions of the forth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the certificate is authorized by law so to do; the said marriage registrar shall apply by petition (which may in all cases be on unstamped paper,) where the District of such registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature in the presidency or place within which such District is comprised; or if such District be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised; and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same; and the said Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the petition and the circumstances of the case in a summary way; and if upon such examination it shall appear that the person forbidding the issue of such certificate is not authorized

Name.	Condition.	Rank or profession	Age.	Dwelling place.	Length of residence.	Church, chapel, place of worship, or building in which the marriage is to be solemnized.	District in which the other party dwells, when the parties dwell in different Districts.
James Smith, ..	*Widower*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days*		
Martha Green	*Spinster,*	.....	*Minor.*	20, *Hastings Street.*	*More than a month.*	*Union Chapel, Dhurrumtollah,*	1

Date of notice entered *6th May* 1852.
Date of certificate given *20th May* 1852.
} The issue of this certificate has not been forbidden by any person authorized to forbid the issue

Witness my hand this *twentieth day of May, one thousand eight hundred and fifty two.*

(Signed) *John Cox*, Registrar.

This certificate will be void unless the marriage is solemnized on or before the *6th day of August* 1852.

(The *Italics* in the Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)

by law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and that then and in such case such certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such marriage as if the issue of such certificate had not been forbidden by such person. And in all cases where a marriage registrar, appointed to act within the territories of any native prince or state in alliance with the British Government acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the certificate is not authorized by law so to do, the said marriage registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council, and if it shall appear to the said Governor General of India in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the said Governor General of India in Council shall declare that the party forbidding the issue of such certificate is not authorized as aforesaid, and that then and in such case such certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such marriage as if the issue of such certificate had not been forbidden by such person.—*Act V.* 1852, *sec.* 9.

Appeal where registrar in allied native state refuses certificate.

3659. In all cases whatsoever where a marriage registrar resident in the territories of any native prince or state in alliance with the British Government has refused to issue his certificate, it shall be lawful for either of the parties intending marriage to apply by petition to the Governor General of India in Council, and the said Governor General of India in Council shall be empowered to examine the allegations of the petition in a summary way, and shall decide thereon, and the decision of the said Governor General of India in Council shall be final, and the marriage registrar, to whom the application was originally made, shall proceed in accordance therewith.—*Ibid, sec.* 10.

Hours for marriages.

3660. Every marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in the evening.—*Ibid, sec.* 11.

Declarations made at the marriage to be translated to native Christians, who do not understand the English language.

3661. When any native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said marriage shall ascertain whether such native Christian understands the English language; and, if he does not, the party solemnizing the said marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such native Christian, in the language of such native Christian, both the declarations made at such marriage in pursuance of Section 9 of the said Act of Parliament.—*Ibid, sec.* 12.

Proof as to notice, certificate, or hours of marriage, &c. not necessary to establish marriage.

3662. After any marriage has been solemnized under the said Act of Parliament, it shall not be necessary, in support of such marriage, to give any proof in respect of the notice of marriage, or the certificate, or the translation thereof respectively, or in respect of the hours between which any marriage may be solemnized, or in respect to the said translations of the said declarations in Section 9 of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary, in any suit touching the validity of such marriage.—*Ibid, sec.* 13.

Penalties.

3663. Every marriage registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid; or who shall knowingly and wilfully issue, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such notice; or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof shall be guilty of felony. And every person who shall knowingly and wilfully solemnize any marriage

under the provisions of the said Act of Parliament in the absence of a registrar of the District in which such marriage is solemnized; or who shall knowingly and wilfully solemnize any marriage, where one of the parties to such marriage (not being a widower or widow) is under twenty years of age, within fourteen days after the entry of the notice of marriage, no order for the issue of a certificate in less than fourteen days having been made by a competent Court; shall be guilty of felony.—*Act V.* 1852, *sec.* 14.

Certificate of marriages in allied native states to be transmitted to Secretary, &c.

3664. The marriage registrars in the territories of any native prince or state in alliance with the British Government, shall transmit the certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.—*Ibid, sec.* 15.

Punishment for making false oath or declaration.

3665. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false notice or certificate, required by the said Act of Parliament or this Act, for the purpose of procuring any marriage; and every person who shall forbid the issue of a marriage registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false; shall, on conviction, suffer the penalties of perjury.—*Ibid, sec.* 16.

Limitation of prosecution.

3666. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.—*Ibid, sec.* 17.

Appointment of registrars in allied native states.

3667. The Governor General of India in Council may appoint any covenanted or uncovenanted servant of the Government being a Christian, or any minister of the Christian religion, ordained, or otherwise set apart to the ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to be a marriage registrar in any District, to be assigned by the Governor General of India in Council in any place within the territories of any native prince or state in alliance with the British Government. And the said marriage registrar shall be entitled to receive the following fees; that is to say, for receiving each notice of marriage one rupee, for publishing each notice of marriage two rupees, for the issuing of each certificate five rupees, for every marriage forbidden or protest entered ten rupees, and for registering each marriage three rupees; and all such fees shall be accounted for and paid over by the marriage registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the marriage registrar, that the parties intending marriage, or married under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said marriage registrar, in his discretion, to remit some part, but not more than three-fourths, of the said fees respectively; and in each and every such case of remission of fees, the marriage registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor General of India in Council.—*Ibid, sec.* 18.

Fees of marriage registrar.

Remission of part of the fees.

Salaries of registrars

3668. It shall be lawful for the Government of each presidency or place to pay any one marriage registrar of Calcutta, Madras and Bombay, or of any other District where a considerable number of persons likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of rupees fifty per month.—*Ibid, sec.* 19.

Provision in case of illness, &c. of marriage registrar.

3669. When there is only one marriage registrar in a District, and such registrar is absent from such District, or ill, or in case of the death of the only marriage registrar in a District, or of any temporary vacancy in such Office, the Magistrate of such District shall act as, and be, marriage registrar thereof, during such absence, illness, or temporary vacancy as aforesaid.—*Ibid, sec.* 20.

Searches may be made and certificate.

3670 Every marriage registrar, or other person who shall have the custody for the time being of the register of marriages under this Act, shall at all reasonable times allow searches to

be made of any register book in his custody, and shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the fees hereinafter mentioned (that is to say), for every search extending over a period of not more than one year the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for every single certificate, and all such fees shall be accounted for and paid over by the marriage registrar to the Government Treasury.— *Act V.* 1852 *sec.* 21.

Penalty for destroying or falsifying registrar book, &c.

3671. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or the counterfoil certificates thereof, or any part or certified copy thereof; or shall falsely make or counterfoil, or cause to be falsely made or counterfeited any part of such register book, or of such counterfoil certificates, or of certified copies thereof; or shall wilfully insert or cause to be inserted in any register book, or counterfoil copy or certified copy thereof, any false entry of any marriage; or shall wilfully give any false certificate; or shall certify any writing to be a copy or extract of any register book, or counterfoil copy thereof, knowing the same register book or counterfoil copy to be false in any part thereof; shall be guilty of felony.—*Ibid, sec.* 22.

Accidental errors, may be corrected.

3672. Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made; and he shall make the like marginal entry, attested in the like manner, in the counterfoil certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil certificate shall have been already transmitted to the Secretary of Government of the presidency or place within which he resides, he shall make and transmit in like manner a separate counterfoil certificate of the original erroneous entry, and of the marginal correction therein made. —*Ibid, sec.* 23.

Certain registers of marriage may be kept as heretofore.

3673. Nothing in this Act contained shall be construed to extend to the registration of marriages which may be solemnized in India by persons in holy orders, or under the provisions of the Act of the 58th year of King George the third, Chapter 84; or to the registration of any marriage solemnized between any two persons professing the Jewish religion; and nothing herein contained shall affect the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any marriage.—*Ibid, sec.* 24.

Petitions to be on unstamped paper.

3674. All petitions presented in pursuance of Section 5, of the said Act of Parliament, may be so presented on unstampted paper.—*Ibid, sec.* 25.

Marriages of members of Church of Scotland by whom to be solemnized.

3675. Whereas by an Act of Parliament passed in the 58th year of the reign of King George the 3rd entitled. "An Act to remove doubts as to the validity of certain marriages had and solemnized within the British Territories in India," it was declared and enacted (amongst other things) that from and after the 31st day of December then next ensuing all marriages between persons, both or one of such person being members or member of, or holding communion with the Church of Scotland, and making a declaration to the effect thereinafter mentioned, which marriages should be had and solemnized within the Birtish Territories in India by ordained Ministers of the Church of Scotland as by law established, and appointed by Government to officiate as chaplains within the said territories, should be, and should be adjudged, esteemed, and taken to be of the same, and no other force and effect, as if such marriages were had and solemnized by clergyman of the Church of England, according to the rites and ceremonies of the

Church of England : and whereas it is expedient that so much of the said Act of Parliament as requires ordained Ministers of the Church of Scotland celebrating such marriages to be also persons appointed to officiate as chaplains within the said territories, should cease to have effect. It is enacted as follows.—*Act XXIV.* 1860, *preamble.*

Part of 58 Geo. III. C. 84 repealed.

3676. So much of the said Act of Parliament as requires that the ordained Ministers of the Church of Scotland as by law established therein referred to should be persons appointed to officiate as chaplains within the said territories, is hereby repealed.—*Ibid, sec.* 1.

Punishment for abetting re-marriage of Hindu widow, a minor, and whose first marriage was not consummated, without consent.

3677. If a Hindu widow re-marrying is a minor whose marriage has not been consummated, she shall not re-marry without the consent of her father ; or, if she has no father, of her paternal grand-father ; or, if she has no such grand-father, of her mother ; or, failing all these, of her elder brother, or, failing also brothers, of her next male relative. All persons knowingly abetting a marriage made contrary to the provisions of this Section shall be liable to imprisonment for any term not exceeding one year, or to fine, or both.—*Act XV.* 1856, *sec.* 7.

NOTE.

An Act for marriages in India 14 and 15 Vict. Cap. 40. 24th July 1851.

Whereas it is expedient to amend the law of marriages in India : Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Marriage of Christians in India may be solemnized under this Act.

Notice of intended marriage to be given to the marriage registrar for the District.

I. In every case of marriage intended to be solemnized in India after the commencement of this Act where one or both of the parties is or are a person or persons professing the Christian religion, such marriage may be solemnized under the provisions of this Act ; and, where such marriage is intended to be so solemnized, one of the parties shall give notice in writing to the marriage registrar to be appointed under the provisions of this Act for the District, within which the parties shall have dwelt for such period then next preceding as by such laws or regulations as are hereinafter mentioned may be required, or, if the parties dwell in the Districts of different marriage registrars, shall give the like notice to the marriage registrar for each District : and every such notice shall be in such form and contain such particulars as may be prescribed by such laws or regulations and shall be open for inspection and published as by such laws or regulations may be provided.

Certificate of notice to be issued on request.

Proviso.

II. The marriage registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a Certificate of such notice having been given, and of such oath or declaration having been made ; provided no lawful impediment according to the law of England be shown to the satisfaction of the marriage registrar why such Certificate should not issue, and the issue of such Certificate have not been sooner forbidden, in manner hereinafter mentioned, by any person or persons, by this Act authorized in that behalf : provided always, that where by such oath or declaration it appears that one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, the marriage registrar shall not issue such Certificate until the expiration of such period after the giving of such notice as may be in this behalf provided by such laws or regulations as are hereinafter mentioned.

Who to give consent if parties under age.

III. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow ; or, if the father be dead, the guardian or gardians of the person of the party so under age lawfully appointed, or one of them ; and, in case there be no such guardian, then the mother of such party, if unmarried ; shall have authority to give consent to the marriage of such party : and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Issue of registrar's certificate may be forbidden.

IV. Every person, whose consent to a marriage is required as aforesaid, is hereby authorized to forbid, in such manner as may be provided by such laws or regulations as are hereinafter mentioned, the issue of the marriage registrar's Certificate ; and, in case the issue of any such Certificate be so forbid-

den, the notice and all proceedings thereupon shall be utterly void: provided always, that (subject to such laws and regulations) if either of the parties intending marriage allege that the person forbidding the issue of such Certificate is not authorized by law so to do, the marriage registrar shall examine into such allegation; and, if he be satisfied that such person is not authorized as aforesaid, shall act in like manner, and the like proceedings may be had under this Act in relation to such marriage, as if the issue of such Certificate had not been forbidden by such person.

Supreme Court or Judge of the Zillah or District may relieve where consent is improperly withheld.

V. If any person, whose consent is necessary to any marriage under this Act, shall be non-compos mentis, or if any such person (other than the father) shall, without just cause, withhold his or her consent to a marriage, the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature established by royal charter in the presidency or place in which such person is resident; or, if such person be not resident within any of the said Towns, then to the Judge of the Zillah or like District within which such person is resident; or to such other person as may for this purpose be appointed under the laws or regulations hereinafter mentioned; and the said Supreme Court, or any Judge thereof or such Judge of the Zillah or District, or such other person, shall be empowered to examine the allegations of the petition in a summary way; and, if upon such examination such marriage appear proper, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, or such other person, shall declare the same to be so, and such declaration shall be as good and effectual as if the person whose consent was needed had consented to the marriage: and, in case such person has forbidden the issue of the marriage registrar's certificate, such Certificate shall be issued, and the like proceedings may be had under this Act in relation to the marriage, as if the issue of such Certificate had not been forbidden by such person, anything hereinbefore contained to the contrary notwithstanding.

Oath or declaration to be made before issue of certificate.

VI. Before any such certificate as aforesaid shall be issued by any marriage registrar, one of the parties intending marriage shall appear personally before such marriage registrar, and shall make oath, or shall make his or her solemn declaration instead of an oath, that he or she believeth that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and that both the parties to the intended marriage have, or (where the parties have dwelt in the Districts of different marriage registrars) that the party making such oath or declaration hath, for the period required by such laws or regulations as are hereinafter mentioned, had their, his, or her, usual place of abode within the District of such marriage registrar; and, where either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons, whose consent to such marriage is required by law, has been obtained thereto, or that there is no person resident within the British Territories in India having authority to give such consent, as the case may be: provided always, that where under the foregoing provision the said Supreme Court, or a Judge thereof, or such judge of the Zillah or like District, or such other person as aforesaid, declares the marriage to be proper, it shall not be necessary to make oath or declare that such consent has been obtained to such marriage.

Protest against issue of certificate may be entered.

VII. Any person may, in manner provided by such laws or regulations, enter a protest with the marriage registrar against the issue of a certificate for the marriage of any person named therein: and, if any protest be so entered, no certificate shall issue until the marriage registrar shall have examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

Appeal where registrar refuses certificate.

VIII. In all cases whatsoever where the marriage registrar has refused such certificate as aforesaid it shall be lawful for either of the parties intending marriage to apply by petition, where the District of such registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature established by royal charter in the presidency or place within which such District is comprised; or, if such District be not within any of the said Towns, then to the Judge of the Zillah or like District within which the same is comprised, or to such other person as may for this purpose be appointed by the laws or regulations hereinafter mentioned: and the said Supreme Court, or any Judge thereof,

or such judge of the Zillah or like District or such other person, shall be empowered to examine the allegations of the petition in a summary way, and shall decide thereon; and the decision of such Supreme Court, or a Judge thereof, or of such Judge of the Zillah or like District, or of such other person, shall be final, and the marriage registrar to whom the application was originally made shall proceed in accordance therewith, anything hereinbefore contained notwithstanding.

After issue of certificate, marriage may be solemnized in the presence of marriage registrar and two witnesses.

IX. After the issue of the certificate of the marriage registrar; or, where notice is required to be given under this Act to the marriage registrars for different Districts, after the issue of the certificates of the marriage registrars for such districts; marriages may be solemnized between and by the parties described in such certificate or certificates according to such form and ceremony as they may see fit to adopt: provided nevertheless, that every such marriage shall be solemnized between such hours as shall be fixed by the laws or regulations, hereinafter mentioned, in the presence of some marriage registrar, to whom shall be delivered such certificate or certificates as aforesaid, and of two or more witnesses; provided also, that in some part of the ceremony each of the parties shall declare.

"I do solemnly declare, that I know not of any lawful impediment why I. A. B. may not be joined in matrimony to C. D.;" or shall declare to the like effect.

And each of the parties shall say to the other.

"I call upon these persons here present to witness, that I. A. B., do take thee, C. D., to be my lawful wedded wife [or husband];" or words to the like effect.

Provided also, that there be no lawful impediment to the marriage of such parties.

When marriage is not had within three months after notice, a new notice required.

X. Whenever a marriage is not had within three calendar months after the notice shall have been so entered by the marriage registrar, the notice, and the certificate which may have been issued thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any marriage registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

Marriages to be registered.

XI. After the solemnization of any marriage under this Act the marriage registrar present at the solemnization thereof shall forthwith register such marriage in duplicate, that is to say, in a marriage register book according to the form of Schedule to this Act annexed, and also in a certificate attached to the marriage register book, as a counterfoil; and the entry of such marriage in both the certificate and the marriage register book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the marriage registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificates of marriages to be transmitted periodically to the Secretary of Government, &c.

XII. The marriage registrar shall forthwith separate the certificate from the marriage register book, and transmit, at the end of every month, to the Secretary to the Government of the presidency or place within which he resides, or to such other Officer as may for this purpose be appointed under the laws or regulations hereainfter mentioned; and, if no marriage have been registered during such month, the marriage registrar shall certify such fact under his hand, and such certificate shall be transmitted as aforesaid; and the marriage registrar shall keep safely the said register book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other Officer as aforesaid, to be kept by him with the records of his Office; provided that with regard to those marriages so certified, of which it may appear to the Govenor General in Council desirable that evidence should be transmitted to England, the Secretary to the Government, or such other Officer as aforesaid, shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of the East India Company, for the purpose of being delivered to the registrar general of births, deaths, and marriages in England.

Proof of residence of parties or consent not necessary to establish marriage.

XIII. After any marriage has been solemnized under this Act, it shall not be necessary, in support of such marriage, to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Registrar may ask certain particulars of parties.

XIV. It shall be lawful for the marriage registrar before whom any marriage is solemnized according to the provisions of this Act to ask of the parties to be married the several particulars required to be registered touching such marriage.

Persons vexatiously entering protests liable to costs and damages.

XV. Every person who shall enter a protest with the marriage registrar against the issue of any certificate on grounds which such marriage registrar, or the Supreme Court of the presidency or place, or any judge thereof; or the judge of the Zillah or like District, or other person, to whom upon the refusal of such certificate an application is authorized by this act, declares to be frivolous, and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto, and for damages to be recovered by suit by the party against whose marriage such protest was entered.

Punishment of persons making false oath or declaration.

XVI. Every person who shall knowingly and wilfully make any false oath or false declaration, or sign any false notice or certificate, required by this Act, or by any such laws or regulations as are hereinafter mentioned for the purpose of procuring any marriage; and every person who shall forbid the issue of any marriage registrar's certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false; shall, on conviction, be liable to be punished in such manner as by such laws or regulations may be provided.

Limitation of prosecution.

XVII. Every prosecution under this Act shall be commenced with such time after the offence committed as by such laws or regulations may be provided.

Government of each presidency may appoint marriage registrars, &c. Governor General may appoint in certain cases.

XVIII. The Government of each presidency or place in India may appoint marriage registrars for the purposes of this Act, and may assign Districts to the registrars so to be appointed; and in respect of any place within the territories of any native prince or state in alliance with the British Government the Governor General of India in Council may appoint such marriage registrars and assign to them Districts.

Government of each presidency may appoint fees to be taken under this Act, to be accounted for by marriage registrars.

XIX. The Government of each such presidency and place may from time to time appoint reasonable fees to be taken of the parties intending marriage, for receiving and publishing notices of marriage, and for issuing certificates, entering protests, and registering marriages under this Act; and all such fees shall be accounted for and paid over by the marriage registrars to the Government Treasury, and the Government shall provide all necessary books and papers for giving effect to the provisions of this Act.

Governor General in Council empowered to make laws and regulations for the purposes of this Act.

XX. It shall be lawful for the Governor General of India in Council from time to time, by laws and regulations (not inconsistent with the provisions of this Act,) to be made in the manner and subject to the provisions by law required in respect of laws and regulations made by the said Governor General in Council, to provide for the inspection and publication of notices of marriage given under this Act; for the custody and protection from injury of marriage register books; for appeals from and references in cases of doubt by the marriage registrars in relation to marriages forbidden or protests entered under this Act; for fixing the hours between which marriages may be solemnized under this Act; for appointing the Officers to whom certificates are to be taansmitted by the marriage registrars; and generally for giving effect to the provisions of this Act.

Marriages may continue to be solemnized as heretofore.

XXI. Nothing herein contained shall invalidate or affect any marriage which may be solemnized in India by persons in holy orders, or any marriages which may be solemnized under the provisions of the Act of the fifty-eighth year of King George the Third, chapter eighty-four, or any other marriages which under the laws for the time being inforce in India might have been there solemnized in case this Act had not been passed. provided that it shall be lawful for the Governor General of India in Council from time to time, by laws and regulations to be made as aforesaid, to provide for the registration of any marriages solemnized in India by persons in holy orders, or of any marriages there solemnized under the provisions of the said Act of the fifty-eighth year of King George the Third, chapter eighty-four, or of any other marriages there solemnized, of which it may appear to the said Governor General in Council desirable that evidence should be transmitted to England; and to provide for the care and custody of the registers of such marriages; and for the transmission of certificates thereof to the secretaries of the Governments of the respective presidencies, or to other Officers; and for their sending the same to the Secretary of the East India Company, for the purpose

of being delivered to the registrar General of births, deaths, and marriages in England; and also to provide for the authentication of such certificates.

XXII. The certificates which shall be delivered to the registrar General of births, deaths, and marriages in England under this Act, or under any laws or regulations to be made thereunder, shall be kept in the General Register Office, in the same manner; and indexes thereof shall be made and searches permitted, and copies thereof, sealed or stamped with the seal of the General Register Office, shall be given; in the like manner as by the Act of the session holden in the sixth and seventh years of King William the Fourth, chapter eighty-six, is provided concerning the certified copies (kept in such Office under the said Act) of the registers of births, deaths and marriages in England, and every certified copy, purporting to be sealed or stamped with the seal of the said General Register Office, of any such certificate delivered to the said registrar general under this Act, or under such laws or regulations, shall be received as evidence of the marriage to which the same relates, without further proof of such certificate, or of any entry therein. Certificates delivered to registrar general under this Act, or under any laws or regulations made thereunder to be subject to the provisions 6 and 7 W. 4. c. 86.

XXIII. All marriages solemnized under this Act shall be good and valid in law to all intents and purposes. Marriages under this Act valid.

XXIV. And whereas it is expedient to remove all doubt concerning the validity of marriages heretofore solemnized in India by persons not in holy orders, all such marriages, if not otherwise invalid, shall be deemed and held to be valid in law to all intents and purposes. Certain marriages in India confirmed.

XXV. In the construction of this Act the word "India" shall include all the British Territories in India for the time being, and all territories of any native princes or states in alliance with the British Indian Government. Interpretation of "India"

XXVI. This Act shall, so far as respects the authority to make such appointments, laws, and regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other matters and things commence and take effect from and after the first day of January, one thousand eight hundred and fifty two, or such other day as the Governor General of India shall direct. Commencement of Act.

XXVII. The Governor General of India, and the Governors of the several presidencies in India, shall cause this Act to be published three times in each of the Government Gazettes of the several presidencies, the first of such publications to be made within six weeks after this Act shall have been received in such respective presidencies. Publication of Act.

Schedule to which this Act refers.

Marriage Register book.									Certificate of Marriage.								
No	When married.	Name and surname	Whether of full age or a minor.	Condition.	Rank or profession	Residence at the time of marriage	Father's name and surname.	Rank or profession of father.	No.	When married.	Name and surname.	Whether of full age or a minor.	Condition.	Rank or profession	Residence at the time of marriage	Father's name and surname.	Rank or profession of father.
1	17th May 1851	William Smith.	Of full age.	Bachelor.	Surgeon.	4, Clive Street, Barrackpore.	John Smith.	Esquire.	1	17th May 1851	William Smith.	Of full age.	Bachelor.	Surgeon.	4, Clive Street, Barrackpore.	John Smith.	Esquire.
		Anne Green.	Minor.	Widow.			James Hastings	Esquire.			Anne Green.	Minor.	Widow.			James Hastings	Esquire.
Married in the house of A. B. by [or before] me William Johnson Marriage Registrar. This marriage was solemnized between us, { William Smith, Anne Green } in the presence of us. { Peter Smith James Hastings.									Married in the house of A. B. by [or before] me William Johnson, marriage registrar. This marriage was solemnized between us, { William Smith, Anne Green, } in the presence of us. { Peter Smith James Hastings.								

SECTION XX.

Military Dress or Badges. Persons wearing.

No person is allowed to dress his servants in uniform of Sepoys.

3678. All persons, whether European or native, within the British Territories excepting such privileged persons as the Government specially exempts from the operation of the rule contained in this Section are positively forbidden to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Government sepoys or lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoys and lascars.—*Reg. XI.* 1806, *sec.* 9, *cl*, 2.

No person is allowed to wear such dress.

3679. All natives excepting those actually in the Military service of the Government or belonging to persons specially exempted by Government from the operation of this rule are forbidden to wear a dress similar to that mentioned in the foregoing clause.—*Ibid, cl*, 3.

Civil Officers are not to clothe their public servants in such dress.

3680. Officers of every description employed in the public service who are allowed establishments of Burkundazes, Peons and Paiks, in their official capacity, or who have occasion to employ persons of any of those descriptions in such capacity, are prohibited from clothing them with a Military dress.—*Ibid, cl.* 4.

Sepoys not to wear their uniform while absent from their corps

3681. Native Officers and sepoys, excepting Subadars, Jemadars, and Serangs, even though in the service of Government, who temporarily reside or have occasion to travel in the interior parts of the country, unless employed on the public service, are forbidden to wear their uniform coats.—*Ibid, cl.* 5.

Persons disobeying these orders how to be treated.

3682. With a view of giving full effect to the orders contained in the preceding clauses the Military commanding Officers of Stations, and of detachments, in the interior parts of the country, and the Magistrates are authorized and required to deprive of a Military dress any person who wears it contrary to these orders; unless it appears that such person is in the Military service of Government in which case he is to be sent to the corps to which he belongs with a written complaint against him. The local Officers of Police are also empowered and directed to apprehend all persons of the above description, and to send them to the Magistrate, who is to deal with them in the manner above prescribed.—*Ibid, cl.* 6.

Police Officers are to apprehend persons wearing Military dress.

3683. In pursuance of the above rules the Darogahs of Police are required to apprehend and send to the Magistrate all persons not actually in the Military service or belonging to persons specially exempted by Government from the operation of the above rules, who are found dressed in the uniform of the Government sepoys or lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoys or lascars.—*Reg. XX.* 1817, *sec.* 30, *cl.* 2.

Or Sepoys wearing their uniform while on leave of absence.

3684. The local Officers of Police are empowered and directed to apprehend all native Officers and sepoys, excepting Subadars, Jemaders, and Serangs, wearing their imform coats when not employed on the publice service, and to send them to the Magistrate for orders.—*Ibid, cl.* 3.

SECTION XXI.

Of the Opium Law.

Laws repealed.

3685. Regulation 32, 1793, Reg. 32, 1795, Reg. 53, 1795, Section I to XL. of Reg. 13, 1816, and clauses 1 to 5, Section 18, and Sections 23, and 24, of Reg. 7, 1824, of the Bengal Code are hereby repealed, except so far as they repeal the whole or part of any other Regulation, and except as to acts done, offences committed, and liabilities incurred, before the passing of this Act.—*Act XIII of* 1857, *sec.* 1.

Poppy cultivation and Opium manufacture, except for Government, prohibited.

3686. The cultivation of the poppy and the manufacture of opium within the territories under the Presidency of Fort William in Bengal, except on account of Government, are hereby prohibited.—*Ibid, sec.* 2.

To what Agents the superintendence of the provision of Opium shall be entrusted.

3687. The superintendence of the provision of Opium for Government shall be entrusted to agents, or other Officers, being covenanted servants duly appointed by Government in that behalf, who shall perform the duties connected therewith under the control and direction of the Board of Revenue in Calcutta. The agents, or other Officers as aforesaid, shall be assisted by Deputy Agents and Sub-Deputy Agents or such other Officers, covenanted or uncovenanted as the Government may from time to time appoint for the purpose. The Collector of the District shall ordinarily, and unless Government shall otherwise direct, be ex-officio Deputy Agent; and the relative duties and powers of the Deputy Agents and Sub-Deputy Agents shall be from time to time regulated by the said Board with the sanction of Government.—*Ibid, sec.* 3.

Opium Agents amenable to the Civil Courts.

No suit to be brought unless application for redress be first made to Agent.

3688. The Opium Agents, and their subordinate Officers of every description, are declared amenable to the Civil Courts for all acts done by them in their official capacity, except as otherwise herein provided. But no suit shall be instituted against an Agent, or any subordinate Officer, for any act done in his official capacity, unless the person who shall consider himself aggrieved by the act of such Agent or Officer shall have first made application for redress to the Agent himself. In the event of such person not being satisfied with the order which the agent may pass upon his application, it shall then be competent to him either to lay his case by petition before the Board of Revenue, or at once to seek redress in the Civil Court.—*Ibid, sec.* 4.

Agent not to sue without sanction of Board.

3689. The Opium Agents shall not in their official capacity institute any suit in a Civil Court without the previous sanction of the Board of Revenue.—*Ibid, sec.* 5.

Board of Revenue may in certain cases appoint an Officer to conduct or defend suits.

3690. In cases in which the Board of Revenue may judge it expedient, or in which they may be so directed by Government, they may take upon themselves, or entrust to an Officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they or an Agent or any other Officer subordinate to them, may be engaged, instead of leaving such superintendence to the Agent or any other Officer.—*Ibid, sec.* 6.

Board to fix limits of cultivation and price to be paid to cultivators.

3691. The Board of Revenue, with the sanction of Government, shall from time to time fix the limits within which licenses may be given for the cultivation of the Poppy on account of Government. With the like sanction they shall from time to time fix the price to be paid to the cultivators for the Opium produced. The price shall be fixed at a certain sum per seer of eighty tolahs for Opium of a certain standard consistence, and shall be subject to a rateable reduction, according to a scale sanctioned by the Board of Revenue, for Opium of a consistence below the standard.—*Ibid, sec.* 7.

Issue of licenses.

3692. The Sub-Deputy Agents, or other Officers entrusted with the superintendence of the cultivation, shall, at the proper period of the year, issue licenses to the cultivators, who

What to be specified in license.

may choose to engage to cultivate the poppy, and to deliver the produce to the Officers of Government at the established rates. Every license shall specify the number of beegahs which the party engages and is authorized to cultivate, and shall be in such form as the Agent, with the sanction of the Board of Revenue, may direct. A counterpart engagement, in conformity with the tenor of the license, shall be taken from the cultivator.—*Ibid, sec.* 8.

Cultivator to have option whether to engage to cultivate or not.

Officers compelling cultivator to enter into engagement liable to be dismissed.

Sub-Deputy Agent may, subject to appeal, withhold license to cultivate.

3693. It shall be at the option of every cultivator to enter into engagements for the cultivation of the poppy or not as he may think fit; and any Sub-Deputy Agent or other Officer as aforesaid, or any inferior Officer employed in the provision of Opium, who shall compel, or use any means to compel, any cultivators to enter into engagements or to receive advances, for the cultivation of the Poppy, shall be liable to be dismissed from his situation. It shall be at the option of the Sub-Deputy Agent, or other Officer as aforesaid, to withhold a license from any cultivator whenever he may think proper so to do. Any person to whom a license has been refused may appeal to the Agent, and the decision of the Agent shall be final.—*Ibid, sec.* 9.

Penalty on cultivator who has received advances neglecting to cultivate the full quantity of land.

Adjudication of penalty.

3694. If it shall be found that any cultivator, who has received advances from Government, has not cultivated the full quantity of land for which he received such advances, he shall be liable to a penalty of three times the amount of the advances received for the land which he has failed to cultivate; and the said penalty may be adjudged by the Deputy Agent or Collector, on the complaint of the Sub-Deputy Agent or other Officer as aforesaid. Any person dissatisfied with the judgment of the Deputy Agent or Collector may appeal to the Agent, and the decision of the Agent shall be finial.—*Ibid, sec.* 10.

Delivery of the Opium produced.

3695. All Opium the produce of land cultivated with Poppy on account of Government, shall be delivered by the cultivators to the Sub-Deputy Agents or other District Officers, or shall be brought by them to the Sudder Factory, as the Agent may direct. And no such Opium shall be liable to be distrained or attached by a Zemindar or other proprietor, or a farmer of land, for the recovery of arrears of rent, or by any other creditor of a cultivator under any order or decree of Court, but the sum due to the cultivator on account of such Opium may be attached by order of Court in the hands of the Agent or of the District Officer under the rules in force for such attachments.—*Ibid, sec.* 11.

Such Opium not liable to distress or attachment.

Value thereof may be attached.

Opium to be weighed and classified by sub-Deputy Agent.

Proceeding where cultivator is dissatisfied with classification.

3696. All Opium delivered by the cultivators to the Sub-Deputy Agent or other District Officer, shall, before it is forwarded to the Sudder Factory, be weighed, examined, and classified according to its quality and consistence by that Officer, or his Assistant if duly authorized by the Agent in that behalf, in the presence of the cultivators and in conformity with rules sanctioned by the Board of Revenue. Any cultivator, who may be dissatisfied with the classification of the District Officer, shall be at liberty either to take his Opium to the Sudder Factory, or to have it forwarded thither by such Officer separate from the Opium respecting which no dispute had arisen.—*Ibid, sec.* 12.

Weighing and examination of Opium at the Sudder Factory.

3697. All Opium forwarded by the District Officers to the Sudder Factory, and all Opium delivered at the Sudder Factory by the cultivators, shall be there weighed and examined by the Opium Examiner, or other Officer duly authorized in that behalf, agreeably to rules sanctioned by the Board of Revenue; and the quality and consistence of the Opium, and the deductions from, or additions (if any) to the standard price to be made in accordance with the said rules, shall be determined by the result of such examination. The decision of the Examiner, or of the Agent in cases in which a reference to the Agent may be prescribed by the said rules, shall be final and conclusive, and not open to question in any Court.—*Ibid, sec.* 13.

3698. When Opium delivered by a cultivator either to a District Officer, or at the Sudder Factory is suspected of being adulterated with any foreign substance, it shall be immediately sealed up pending examination by the Opium Examiner, and notice of such intended examination shall be given to the cultivator. If upon such examination the Opium shall be found to be so adulterated, the Agent on the report of the Examiner may order that it be confiscated; and the order of the Agent shall be final, and not open to question in any Court.—*Act XIII.* 1857, *sec.* 14.

Confiscation of adulterated Opium.

Adjudication of confiscation.

3699. The weights and scales made use of in the Sudder Factories, and at the District Kothees shall be provided by the Board of Revenue. Every District Officer shall annually, before beginning to weigh the Opium of the season, examine the weights and scales in use in his District, and shall report the result of such examination to the Agent. The Agent shall make a similar examination of the weights and scales of the Sudder Factory and shall report the result to the Board. No weights or scales shall be made use of, which on any such examination have not been found to be strictly accurate. It shall be the duty of all Officers who may superintend the weighing of Opium, to see that the Opium is weighed fairly with an even beam, and the practice of taking excess weight for the purpose of turning the scale, or as an allowance for dryage and wastage, is hereby prohibited.—*Ibid, sec.* 15.

Weights and scales.

3700. The accounts of the cultivators shall be adjusted annually by the District Officers as soon after the conclusion of the weighing and examination as possible; and any balance that may remain due from any cultivator, or from any mulets or intermediate manager, may be recovered by the District Officer by distress and sale of the property of the defaulter or of his surety, in the same manner and under the same rules as the property of defaulting cultivators in estates held khas may be distrained and sold by the Collector for the recovery of an arrear of rent or Revenue. Provided that no warrant of distress and sale shall be issued by any District Officer without the sanction of the Agent previously obtained.—*Ibid, sec.* 16.

Adjustment of cultivators' accounts, and recovery of balance by distress.

Proviso

3701. If any Zemindar, or other proprietor of land, or any farmer of land, shall exact from any ryot on account of his Poppy land, any illegal cess or any higher rate of rent than he is lawfully entitled to demand, the ryot, or the Sub-Deputy Agent or other District Officer on his behalf may institute a suit before the Collector, and recover from such proprietor or farmer the sum exacted by him in excess of his lawful demand; together with a penalty of treble the amount of such excess; and such suit shall be tried according to the rules prescribed for suits instituted before a Collector relating to arrears or exactions of rent.—*Ibid, sec.* 18.

Sum illegally exacted by landholder from ryot on account of rent of Poppy land or illegal cess, may be recovered, together with a penalty, in summary suit before Collector.

3702. All Police and Abkaree Darogahs, and Opium Gomastahs, and all Native Officers of Government of whatever description, and all Chowkeydars, Pykes, and other village Police Officers, shall give immediate information to the authority to which they are subordinate, when it may come to their knowledge that any land has been illegally cultivated with Poppy; and such authority shall transmit the information to the Sub-Deputy Agent, or other Officer Superintending the cultivation of the Poppy, if in a District where the Poppy is cultivated on account of Government, or to the Collector or Officer in charge of the Abkaree Mehal, if in a District where the Poppy is not so cultivated. Every Police or Abkaree Darogah, Opium Gomastah, Native Officer, Chowkeydar or other Police Officer as aforesaid, who shall neglect to give such information, or shall in any respect connive at the illicit cultivation of the Poppy, shall be liable to a fine not exceeding one thousand Rupees if the offender be an Officer of the Opium Department, or in any other case to a fine not exceeding five hundred Rupees.—*Ibid, sec.* 23.

Duty of Police and other Officers to give information of illegal cultivation.

Police or Abkaree Darogah how to proceed in case of illegal cultivation.

3703. Whenever a Police or Abkaree Darogah, or Opium Gomastah, shall receive intelligence of any land within his Jurisdiction having been illegally cultivated with Poppy, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subordinate. He shall at the same time take security from the cultivator of the said land for his appearance before the Magistrate; and, in the event of such cultivator not giving the required security, he shall send him in custody to the Magistrate.—*Act XIII.* 1857, *sec.* 24.

Land-holders, &c. may attach in cases of illegal cultivation.

3704. Proprietors, farmers, Tuhseeldars, Gomastahs, and other managers of land, shall be at liberty to attach any Poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest Police or Abkaree Darogah, or Opium Gomastah, who shall thereupon proceed in conformity with the rules contained in the last preceding Section.—*Ibid, sec.* 25.

Adjudication of penalties.

3705. Except as otherwise herein provided, all fines, penalties, and confiscations prescribed by this Act shall be adjudged by the Magistrate on the information of the Deputy Agent or Sub-Deputy Agent in Districts in which the Poppy is cultivated on account of Government, and in other Districts on the information of the Collector or Officer in charge of the Abkaree Mehal; provided that no information of an offence against this Act shall be admitted unless it be preferred within the period of one year after the Commission of the offence to which the information refers.—*Ibid, sec.* 26.

Imprisonment in default of payment of fines under this Act.

3706. When any person is sentenced to pay any fine or penalty under this Act, such person, in default of payment of the same, may be imprisoned by order of the Magistrate for any time not exceeding six months, or until the fine is sooner paid.—*Ibid, sec.* 27.

Punishment for repetition of offences.

3707. Whenever any person shall be convicted of an offence against this Act after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months; and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.—*Ibid, sec.* 28.

Place of imprisonment under the last Section.

3708. Every person who shall be imprisoned under the last preceding Section, or on account of the non-payment of any fine or penalty prescribed by this Act, unless such person be an Officer of Government or a village Police Officer convicted of an offence under Sections 17, 20 or 23, shall be imprisoned in the Civil Jail.—*Ibid, sec.* 29.

Disposal of fines and forfeitures.

3709. One-half of all fines and penalties levied from persons convicted of offences under Sections 19, 20 and 21, of this Act, together with a reward of one Rupee eight annas for each seer of Opium confiscated and declared by the Civil Surgeon to be fit for use, shall, upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender, and the other half of such fines, forfeitures, together with a reward of one Rupee eight annas for each seer of Opium confiscated as aforesaid, shall be given to the informer. If in any case the fine or penalty is not realized the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may see to them fit.—*Ibid, sec.* 30.

Governor General in Council may allow free cultivation of Poppy and manufacture of Opium in any District.

3710. The Governor-General of India in Council may authorize, by an order of Government, the cultivation of the Poppy and the manufacture of Opium in any District or Districts without license from a Sub-Deputy Opium Agent, or other Officer of Government; and when such order has been published, all the provisions of this Act shall cease to have effect in such District or Districts. Provided always, that the Government may prescribe rules for the delivery of the Opium so produced to Officers of Government appointed to receive it; and when such rules

have been passed, any cultivator or other person engaged in the cultivation of the Poppy and manufacture of Opium who shall dispose of any Opium otherwise than is allowed by such rules, and any person who shall purchase or receive any such Opium in contravention of the said rules, shall be subject to the penalties prescribed in Section 19 of this Act; and such penalties may be adjudged by a Magistrate on the information of any Officer of Government or of any other person.—*Act XIII.* 1857 *sec.* 31.

SECTION XXII.

OUDE, LATE KING OF.

King of Oude exempted from jurisdiction of Criminal Courts except for capital offences.

3711. His Majesty the King of Oude is hereby declared to be, and is exempt from the Jurisdiction of the Criminal Courts except in regard to offences punishable with death under the Indian Penal Code. Except for such offences, no Criminal Courts or Magistrate shall inquire into any complaint, or issue any process, against His said Majesty.—*Act VIII.* 1862, *sec.* 1.

Police not to arrest the King without warrant, not to enter the dwelling house of the King except in the presence and with the sanction of the Agent.

3712. No Police Officer or other person shall arrest His said Majesty without warrant, and no Police Officer or other person, whether charged with the execution of a warrant or not, shall, for the purpose of arresting any person or searching for any thing, enter into or remain in any house in which His Majesty may at the time be residing, except in the presence and with the sanction of the Officer appointed to be Agent with His Majesty on the part of the British Government.—*Ibid, sec.* 2.

Issue of commission for the trial of other than capital offences.

3713. If any complaint be made or information preferred against His said Majesty for any offence other than the offences excepted in Section I of this Act, the Officer appointed to be Agent with His said Majesty may inquire into the case and may report thereon to the Governor General in Council, and the Governor General in Council, on receipt of any such report, may issue a commission for the trial of such offence, and may vest the said commission with any of the powers vested in any Court by the Code of Criminal Procedure, provided that, in case of conviction, the said commission shall not pass sentence, but shall report its judgment to the Governor General in Council, who shall thereupon give such directions in respect to the custody of the person of His said Majesty or the disposal of his property, as the exigency of the case may seem to require.—*Ibid, sec.* 3.

No writ or process to be issued against the person or property of the King without the consent of the Governor-General in Council.

3714. No writ or process shall at any time be sued forth or prosecuted out of any Civil, Revenue, or Criminal Court against the person, goods, or property of His said Majesty, unless such writ or process shall be so sued forth or prosecuted with the consent of the Governor-General in Council first had and obtained, such consent to be testified by the signature of a Secretary to the Government of India, and any writ or process which shall at any time be sued forth or prosecuted against the person, or goods, or property of His said Majesty, without such consent asforesaid, shall be utterly null and void.—*Ibid, sec.* 4.

The King exempted from appearance in Court as a witness.

3715. His said Majesty shall not be required to appear personally as a witness in any Court, or before any Commissioner appointed by any Court, to be examined or make affidavit when his evidence or affidavit is required in any Civil, Revenue or Criminal Suit or proceeding.—*Ibid, sec.* 5.

Mode of taking the King's evidence.

3716. When the evidence of His Majesty is required in any such suit or proceeding, the Court or the party requiring the same shall cause to be prepared interrogatories in writing for the examination of His said Majesty. If the case is one in which any other party in such suit or proceeding would by law, have a right to cross examine, such party shall be at liberty to prepare cross interrogatories. The interrogatories, and cross-interrogatories (if any) shall be transmitted to the Officer appointed to be Agent with His said Majesty, who shall exhibit the same to His said Majesty and take down in writing His Majesty's answers thereto given on solemn affirmation. The interrogatories and cross interrogatories (if any) with the answers thereto, shall be returned to the Court before whom the suit or proceeding is pending, together with a Certificate from the said Officer appointed to be Agent, of the answers of His said Majesty having been duly taken.—*Act VIII.* 1862, *sec.* 6.

Mode of taking the King's affidavit

3717. When any affidavit is required to be sworn by his said Majesty in any suit or proceeding such affidavit shall be taken and sworn before the said Officer appointed to be Agent, who shall return such affidavit with a certificate of its having been duly sworn to the Court or Officer before whom the same is to be used.—*Ibid, sec.* 7.

Examinations to be taken in private.

3718. Except with the consent of his said Majesty no person other than the said Officer appointed to be Agent shall be entitled to be present when His said Majesty is being examined on interrogatories or sworn to any affidavit under the provisions of this Act.—*Ibid. sec.* 8.

Examinations &c. taken under the Act admissible in evidence.

3719. The answers to interrogatories or affidavit of His said Majesty taken and sworn under the provisions of this Act shall be admissible in evidence and subject to the same objections as if such answers or affidavit had been taken or sworn in open Court or under a commission.—*Ibid, sec.* 9.

Duration of Act.

3720. This Act shall not continue in force after the death of His said Majesty.—*Ibid, sec.* 10.

SECTION XXIII.

PAPER CURRENCY.

Laws repealed.

3721. Section 31 of Act VI. 1839. sec. 31 of Act III. 1840 and sec. 33 of Act IX 1843, so far as the said Sections authorize the Banks of Bengal, Bombay, and Madras respectively to issue promissory Notes payable on demand, are repealed from and after the 1st day of March 1862.—*Act XIX.* 1861 *sec.* 1.

No body corporate or person to issue Notes, &c. payable on demand.

3722. After the passing of this Act, no body corporate, person or persons whatever, in British India (except the Banks of Bengal, Madras, and Bombay up to the said 1st day of March 1862 and except as hereinafter provided,) shall draw, accept, make, or issue any Bill of Exchange, Promissory Note, or engagement for the payment of money payable to bearer on demand or borrow, owe, or take up any sum or sums of money on the Bills or Notes payable to bearer on demand of any such body corporate, or of any such person or persons. Provided that Cheques or Drafts payable to bearer on demand or otherwise may be drawn on Bankers, Shroffs, or Agents by the customers or constituents of such Bankers, Shroffs or Agents in respect of deposits of money in the hands of such Banker, Shroffs, or Agents, and held by them at the credit and disposal of the persons drawing such Cheques or Drafts.—*Ibid, sec.* 2.

3723. There shall be established by the Governor-General of India in Council a Department of the Public Service, to be called the Department of Issue, either in connection with Mints or otherwise, and from and after the passing of this Act there may be issued from the said Department, as hereinafter provided, Promissory Notes of the Government of India, payable to bearer on demand, for such sums, not being less than ten Rupees, as the Governor General of India in Council shall from time to time direct.—*Act XIX* 1861, *sec.* 3.

Department of issue to be established.

3724. The Governor General in Council after the passing of this Act, shall appoint some person, who may be the master of the Mint at Calcutta, to be called the Head Commissioner of the Department of Issue, and two other persons who may be the Master of the Mint at Madras, and the master of the Mint at Bombay who shall be called respectively the Commissioners of the Department of Issue at Madras and Bombay and it shall be lawful for the Governor General of India in Council from time to time, by Rules to be published in the Gazettes of Calcutta, Madras, and Bombay, to make such arrangements through any Officers of Government, or with any persons, Banks or Bodies corporate either at Calcutta, Madras, and Bombay, or elsewhere as may be required to regulate and facilitate the issue and payment, under the provisions of this Act, of Promissory Notes of the Government of India, of such denominations as shall be prescribed under the last foregoing section, not being of any less sum than ten Rupees —*Ibid, sec.* 4.

Head Commissioners to be appointed.

3725. It shall be lawful for the Governor General of India in Council from time to time, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, to establish in British India, Districts, to be called "Circles of Issue," three of which circles shall includes the Towns of Calcutta, Madras, and Bombay, respectively, and in each circle to appoint some one city or town to be the place of issue of Notes, as hereinafter provided. It shall be lawful for the Governor General of India in Council by an order to be published as aforesaid, from time to time, to alter or extend the limits of the said circles or any of them. Promissory Notes of Government of India may be issued in the several circles of issue as hereinafter provided.—*Ibid, sec.* 5.

Power to Governor General in Council to establish circles of issue.

3726. For each circle of issue other than those which include the Towns of Calcutta, Madras, and Bombay, there shall be appointed by the Governor General in Council, an Officer of the Government or other person to be called the Deputy Commissioner of Issue. In any circle of issue there may be also established an Agency or Agencies of issue in connection with a Bank or otherwise.—*Ibid, sec.* 6.

Deputy Commissioners to be appointed.

3727. For the purposes of this Act the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner; the Deputy Commissioners and Agents in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and the Deputy Commissioners and Agents in the Presidencies of Fort Saint George and Bombay shall be subordinate to the Commissioners of Madras and Bombay respectively.—*Ibid, sec.* 7.

Commissioners to be subordinate to Head Commissioner, Deputy Commissioners to Commissioner.

3728. The Head Commissioner of Issue for the time being shall provide on paper to be specially manufactured for the purpose, Promissory Notes, of the Government of India, payable to bearer on demand, of the denominations which shall be from time to time prescribed under section III. of this Act; and shall supply or cause to be supplied to the Commissioners at Madras and Bombay and to the several Deputy Commissioners and Agents, such Notes as they shall require for the purposes of this Act and all Notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only at the Office or Offices or Agencies of issue of such city or Town and at the Presidency Town of the Presidency within which such city or Town is situated.—*Ibid, sec.* 8.

Notes to be prepared by Head Commissioner and distributed by him.

Where payable.

3729. The Head Commissioner, the Commissioners, and the Deputy Commissioners and Agents shall, in their respective "Circles of Issue," on the demand of any person, issue from

When such Notes may be issued.

such office or offices or Agencies of Issue as shall be established in the appointed city or town in their respective Circles, Promissory Notes of such denominations as shall be prescribed under Section III. not being for any less sum than ten Rupees, on the terms following:—

First. In exchange for the amount thereof in current silver coin of the Government of India;

Or, *Secondly.* In exchange for the amount thereof in standard silver, bullion or foreign silver coin computed according to such standard, at the rate of 979 Rupees per 1,000 tolahs of standard silver fit for coinage.

Provided that the said Head Commissioner, Commissioner, Deputy Commissioner, and Agents shall, in all cases, be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same, and provided also that in all places where there is no Mint of the Government of India, it shall be optional for any such Head Commissioner, Commissioner, Deputy Commissioner, and Agents to issue Notes in exchange for silver or foreign coin under this Section;

Proviso.

Or, *Thirdly.* Exchange for other Notes of the Government of India payable to bearer on demand of other amounts issued within the same Circle.

Provided also, that it shall be lawful for the Governor General in Council from time to time to direct, by order to be published in the Gazettes of Calcutta, Madras, and Bombay, that Notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such offices or Agencies of Issue as may be named in the order, in exchange for gold coin of full weight of the Government of India, or for foreign gold coin or gold bullion computed at such rates and according to such rules and conditions as shall be fixed by such order, and which rates, rules, and conditions shall not be altered without six months previous notice. Whenever such order shall be issued, the Head Commissioner, Commissioners, Deputy Commissioners, and Agents, at the offices or Agencies specified in the order, shall be bound to issue Notes on demand in conformity with such order.—*Act XIX* 1861, *sec.* 9.

The whole amount of bullion and coin received for Notes to be kept as a reserve to pay such Notes excepting an amount not exceeding 4 crores of Rupees to be fixed as the minimum limit of circulation.

3730. The whole amount of the bullion and coin so received for Notes shall be retained and secured as a reserve to pay such Notes, with the exception of such an amount, not exceeding four crores of Rupees as the Governor General in Council with the consent of the Secretary of State for India, shall from time to time fix. The amount so fixed shall be published in the Gazettes of Calcutta, Madras, and Bombay, and shall be invested in Government Securities, and the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction, and discharge of the said Notes; and the said Notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government. Provided that any gold coin or bullion which may be received under this Act, may be sold or exchanged for silver coin or bullion to be so appropriated and set apart, instead of the gold coin or bullion.—*Ibid, sec.* 10.

In what names the Government securities to stand

3731. The Government securities purchased under this Act in the Presidency of Fort William in Bengal shall stand in the name of the Head Commissioner and the Master of the Mint at Calcutta; the Government securities purchased under this Act in the Presidency of Fort Saint George shall stand in the name of the Commissoner at Madras, and the Master of the Mint at Madras; and the Government securities purchased under this Act in the Presidency of Bombay shall stand in the name of the Commissioner at Bombay and the Master of the Mint at Bombay. Provided, that if the Head Commissioner or Commissioner in any case be the Master of the Mint, the Governor General in Council shall appoint another Trustee or Trustees in addition to the Master of the Mint.—*Ibid, sec.* 11.

3732. The Head Commissioner from time to time shall frame rules to be approved by the Governor General of India in Council, for keeping the accounts of the said Department of Issue, and for the auditing of such accounts, and for otherwise regulating the business of the Department; provided that such rules shall be no wise inconsistent with the provisions of this Act.—*Act XIX* 1861, *sec.* 12.

Rules to be framed for keeping and auditing the accounts.

3733. An abstract of the accounts of the Department, showing the whole amount of Notes in circulation, the amount of coin and bullion reserved, distinguishing gold from silver, and the amount of the Government Securities held by the said Department, shall be made up monthly in Calcutta, and published as soon as may be in the Gazettes of Calcutta, Madras, and Bombay.—*Ibid, sec.* 13.

Abstract of Accounts to be published.

3734. It shall be lawful for the Head Commissioner in respect of the Presidency of Fort William in Bengal, and for the Commissioners at Madras and Bombay in respect of the Presidencies of Madras, and Bombay respectively, at any time when they shall be ordered so to do by the Governor General of India in Council, to sell and dispose of any portion of the above-mentioned limited amount of Government Securities standing in their names respectively, and in the names of the Masters of the Mint or Trustees as aforesaid; and for the purpose of affecting such sales, the said Masters of the Mint or Trustees respectively shall on a request in writing from the said Head Commissioner or Commissioners in their respective Presidencies, at all times sign and endorse such Government Securities as shall stand in their names respectively; and it shall be lawful for the said Head Commissioner or Commissioners, if directed by the Governor General of India in Council, to purchase Government Securities to replace their sales. —*Ibid, sec.* 14.

Securities to be disposed of, when necessary.

3735. The interest accruing due on the Government securities purchased and held under this Act shall be entered in a separate account to be annually rendered by the Head Commissioner to the Governor general of India in Council; and the amount of such interest shall from time to time as it becomes due, be paid by the Accountants General in the several Presidencies of India into the Revenues of the Government of India under the head of "Profits of Note circulation," and an account showing the amount of profits of the Note circulation and of the charges and expenses incidental thereto, shall be made up and published annually in the Gazettes of Calcutta, Madras and Bombay.—*Ibid, sec.* 15.

Interest of securities to be paid to the credit of Government.

3736. Within any of the "circles of issue," as hereinbefore provided, a tender of a Note or Notes issued under this Act from any Office or Agency of Issue of such "Circle of Issue" shall be a legal tender to the amount expressed in such note or Notes, and shall be taken to be valid as a tender to such amount in payment of any Revenue or other claim to the amount of ten Rupees and upwards due to the Government of India, and in payment of any sum of ten Rupees and upwards due by the Government of India, or by any Body corporate, or by any person or persons in British India, on all occasions whatsoever on which any tender of money can be legally made. Provided that no such Note or Notes shall be deemed to be a legal tender of payment by the Government of India, at any Office or at the Issue Department of any Agency of Issue.—*Ibid, sec.* 16.

Notes where legal tender.

3737. The name of the Head Commissioner, of either of the Commissioners, of any Deputy Commissioner or of any other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign Notes issued under this Act may be impressed or affixed by machinery provided for that purpose by the Government of India, and such printed names shall be taken to be good and valid signatures to all interests and purposes, as if such Notes had been subscribed in the proper hand-writing of any one of the persons aforesaid whose signatures the said printing purports to represent.—*Ibid, sec.* 17.

Name of Head Commissioner, &c. may be impressed with machinery.

Notes may be described as Promissory Notes.

3738. All Notes issued under this Act shall be deemed and taken to be Promissory Notes of the Government of India, and may and shall be described as Promissory Notes of the Government of India in all indictments, and in criminal and civil proceedings, any law or usage to the contrary notwithstanding.—*Act XIX* 1861, *sec.* 18.

Penalty for issuing such Notes contrary to provisions of this Act.

3739. If any Body corporate or person, after the passing of this Act, shall, contrary to the provisions of this Act, draw, except, make or draw, except, make or issue any Bill of Exchange, Promissory Note, or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the Bills or notes or engagements for the payment of money, payable to bearer on demand, of any Body Corporate or person, such Body Corporate or person shall be liable to a penalty to the amount of every such Bill of Exchange, Promissory Note, or engagement for the payment of money to be recovered on the prosecution of the Head Commissioner, Commissioner, or the Deputy Commissioner, as the case may be, of the "Circle of Issue," in which such Bill of Exchange, Promissory Note, or engagement for the payment for money is issued, before any Police Magistrate or Magistrate within such "Circle of Issue," and in case of conviction, and default of payment of such penalty, the Police Magistrate or Magistrate who shall try the case shall issue his warrant to levy the amount thereof together with the reasonable costs of the prosecution by distress and sale of the goods and chattels of the Body Corporate or person so convicted.—*Ibid, sec.* 19.

Definition of "British India."

3740. The words "British India" in this Act shall denote the Territories that are or may be vested in Her Majesty by the Statutes 21 and 22 Vic. C. 106 entitled "An Act for the better Government of India," except the settlement of the Prince of Wales' Island, Singapore, and Malacca.—*Ibid, sec.* 20.

SECTION XXIV.

POST OFFICE LAWS.

Repeal of former Acts.

3741. Act No. XVII. of 1837, Act No. XX. of 1838 and Act No. XVII. of 1839, are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.—*Act XVII. of* 1854, *sec.* I.

Exclusive privilege of carrying letters vested in the Government

3742. Wheresoever, within the British territories in India posts or post communications are, or shall be established by the Government, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases; that is to say:—

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3 Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.—*Ibid, sec.* 2

3743. Wheresoever, within the said territories, posts or post communications are or shall be established by the Government, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing; that is to say.— Prohibitions.

1*st.* Common carriers of passengers or goods and their drivers, servants or agents; except letters solely concerning goods in their carriages.

2*nd.* Owners and commanders of ships, steamboats or other vessels, passing on any river or canal, or to or from any port in British India and their servants or agents except letters solely concerning goods on board.—*Act XVII* 1854, *sec.* 3.

3744 Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall for every letter so conveyed forfeit a sum not exceeding fifty rupees; and every person who shall be in the practice of so conveying letters not so excepted shall for every week during which the practice shall be continued forfeit a further sum not exceeding five hundred rupees; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering, a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of so performing any such incidental services shall for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the Acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit for every week during which the practice shall contiuue a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees, and every person who shall be in the practice of committing any of the Acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.—*Act XVII of* 1854, *sec.* 4. Penalties for breach of privilege.

3745. For carrying on the services of the Post Office it shall be lawful for the Governor General of India in Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.—*Ibid, sec.* 5. Appointment of Officers.

3746. Wheresoever posts or post communications are, or shall be established by the British Government, postage on news papers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale. Postage rate on Newspapers.

On every news paper, pamphlet, or other printed or engraved paper, whether the same be imported or not.

If the same shall not exceed six Tollahs in weight, 1 anna.

If the same shall exceed six but shall not exceed 12 Tollahs in weight 2 annas.

If the same shall exceed 12 Tollahs in weight there shall be charged and taken one additional anna for every six Tollahs in weight, above 12 Tollahs ; and every fraction of 6 Tollahs above 12 Tollahs shall be charged as six additional Tollahs.—*Act, XVII.* 1854 *sec.* 6 *and* 7 *Order of Govt. of India No.* 492 *March* 9*th,* 1860.

Prepayment of postage on newspapers.

3747. On and after the 1st January 1861 no News paper or other article on which postage is chargeable, shall be forwarded by post, unless at least, one rate of postage shall be prepaid by a stamp or stamps.—*Order of Govt of India No.* 492 *and* 550, *March* 9*th and* 16*th,* 1860.

Extra or supplement to a newspaper.

3748. An extra or supplement to any newspaper, bearing the same date as the newspaper, and transmitted therewith under the same cover shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any news paper, pamphlet or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.—*Act XVII* 1854, *sec.* 7.

Newspapers &c. how to be sent by post

3749. A news paper, pamphlet or other printed or engraved paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed that is to say :—

1st. It shall be without a cover or in short cover open at both ends.—

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it except the name and address of the person to whom it is sent and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.—*Ibid, sec.* 8.

When to be charged with letter postage

3750. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post in respect of which the above conditions shall not be observed shall, together with any thing enclosed in or with the same be charged with postage at the rate which would be charged on an unstamped letter of equal weight.—*Ibid, sec.* 9.

Proof Sheets.

3751. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.—*Act XVII. of* 1854 *sec.* 10.

Inland Banghy Postage.

3752. Inland banghy postage shall be charged by weight and distance on parcels sent by the banghy post according to the following scale :—

For Distances.		If not exceeding in weight.							
		20 Tollahs.	100 Tollahs.	200 Tollahs	300 Tollahs	400 Tollahs.	500 Tollahs.	600 Tollahs.	Remarks.
	Miles.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A,	Rs. A.	Rs. A,	
Not exceeding.	100	0 2	0 14	0 8	0 12	1 0	1 4	1 8	
Not exceeding.	300	0 6	0 2	1 8	2 4	3 0	3 12	4 8	
Not exceeding.	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0	
Not exceeding.	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8	
Not exceeding	1200	1 8	3 0	6 0	9 0	12 0	15 0	18 0	
Exceeding.	1200	1 14	3 12	7 8	11 4	15 0	18 12	22 8	

Provided that several letters shall not be enclosed in a Banghy parcel under a penalty not exceeding fifty Rupees, and letter Postage shall be chargeable on every letter contained therein.—*Act XVII.* 1854, *sec.* 11.

Books, pamphlets &c.

3753. Books, pamphlets, packets of newspapers, and of printed or engraved papers other than newspapers, provided they do not exceed one hundred and twenty Tollahs in weight, and be sent without covers, or packed in short covers open at both ends, and provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage without reference to the distance to which they may be carried.

If not exceeding twenty Tollahs, in weight one anna.

If exceeding 20 Tollahs, but not exceeding forty Tollahs, in weight, two annas.

And for every 20 Tollahs in weight above 40 Tollahs, there shall be charged and taken one additional anna; and every fraction of 20 Tollahs above 40 Tollahs, shall be charged as twenty additional Tollahs.

If any such book, pamphlet or packet exceed one hundred and twenty Tollahs, or if the postage chargeable thereon be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceeding section of this Act.—*Ibid, sec.* 12.

Table of distances.

3754. Banghy postage, when chargeable by distance under Section XI. shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by Order of the Governor General of India in Council, and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and vernacular languages for the use of every Post Office under control, a list of all the other Post Offices of India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.—*Ibid, sec.* 13.

Limitation of weight of letters where there is a banghy post.

3755. Where there is a banghy post established on any line of road, no letter or other article exceeding 12 tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct, and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.—*Ibid, sec.* 14.

Where there is no banghy post.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

3756. Where there is no banghy post established on any line of road, letters, parcels and packets exceeding twelve tolahs, and not exceeding 40 tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI. and news papers, pamphlets, and other printed or engraved papers according to the scale in Section VII of this Act, as the case may be, parcels and packets shall be charged with banghy postage according to the scale in Section XI. or Section XII. of this Act as the case may be, if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet or other printed or engraved paper. If any such certificate be false any such thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided. Parcels exceeding 40 tolahs and not exceeding 600 tolahs in weight, shall be transmitted along any such lines as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for despatch, to forward them at such times and in such manner as may be convenient.—*Ibid, sec.* 15.

Certificate.

Parcels exceeding 40 tolahs.

Ship postage on all parcels.

3757. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of the Government post by sea according to the following scale, *viz.*

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcels be conveyed by the Government post partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage. —*Act XVII* 1854, *sec.* 17.

Limitation of weight and dimensions of parcels.

3758. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for despatch either by ship or steam-boat, or by banghy post except in such cases and under such restrictions as the Governor General of India in Council shall direct. On parcels exceeding six hundred tolahs in weight, when so forwarded there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six hundred tolahs; and every fraction of 100 tolahs above 600 tolahs shall be charged as one hundred additional tolahs.—*Act XVII. of* 1854, *sec.* 18.

Ship and inland postage on foreign covers must be prepaid.

3759. Letters and newspapers posted for despatch, either by Her Majesty's mails or otherwise to Ceylon, or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been prepaid by a postage stamp or stamps shall not be despatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for despatch as above to any such place, unless the full amount of postage chargeable thereon shall be prepaid in money or by a postage stamp or stamps. Provided that nothing in this Section shall be construed to require the prepayment of British postage on letters, parcels, or other articles, upon which the prepayment of such postage has been left optional by Her Majesty's Post Master General.—*Ibid, sec.* 19.

Postage on letters &c. not prepaid

3760. Subject to any alteration which may be made by virtue of the power hereinafter vested in the Governor General of India in Council, letters posted for despatch, either by sea or land to any place to which a post communication is, or shall be established by the Government upon which the postage chargeable under Section VI. of this Act has not been prepaid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not prepaid by a postage stamp or stamps shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in prepayment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section 11 or 17 may be prepaid in money or by a postage stamp or stamps. When not prepaid, they shall be forwarded to their destination, and the postage thereon shall be delivered on delivery.—*Ibid, sec.* 20.

Governor General in Council may direct prepayment of postage in all cases.

3761. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be prepaid by means of a proper stamp or stamps, or that on all or any letters, packets, parcels, or other articles on which the postage shall not be prepaid by a stamp or stamps, or otherwise as the said Governor General in council shall direct

there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinafter specified.—*Act XVII.* 1854, *sec.* 21.

Letters &c. with in sufficient stamps how to be charged.

3762. If any letter be posted having affixed there to a postage stamp or stamps the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamps affixed thereto, and the postage to which such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable as aforesaid.—*Ibid, sec.* 22.

Re-directed letters.

3763. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and prepaid by stamp at the place where it shall be re-directed.—*Ibid, sec.* 23.

Governor General of India in Council may alter the rates of postage.

3764. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act; provided there be no increase made thereby in any particular of the rates so prescribed except as provided in Section 21 of this Act.—*Act XVII. of* 1854, *sec.* 25.

Letters and packets once put into the Post Office.

3765. No person having delivered into any Post Office any letter, parcel, or packet, shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so re-called or re-stored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof; and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.—*Ibid, sec.* 26.

Steam postage

3766. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of steamer, or British packet postage or by any other denomination, shall, after the rates of such postage have been published in the official Gazette of any Presidency, be recovered in the same manner as postage chargeable under this Act.—*Ibid, sec.* 27.

Postage stamps

3767. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act) shall, provided the stamp or stamps shall not have been used before, be considered as prepaid.—*Ibid, sec.* 28.

How to be provided.

3768. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient. —*Ibid, sec.* 29.

Postage stamps to be under management of any Officer to be appointed.

3769. Postage stamps, provided as aforesaid, shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct, and all sum of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.—*Ibid, sec,* 30.

Vendors of postage stamps to be appointed.

3770. The Governor General of India in Council, may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors and whether any and what renumeration or discount shall be allowed to them, and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.—*Ibid, sec.* 31.

Postage on unpaid letters, &c, to be paid by the receiver.

3771. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Government by any Post Master General, or by any Officer in charge of the Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed the Post Master of the delivery Office may remit the postage.—*Ibid, sec.* 37.

Registered letters.

3772. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.—*Ibid, sec.* 38.

Expresses.

3773. It shall be lawful for the Governor General of India in Council to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to, or instead of any other rates of postage chargeable on such letters and articles under this Act.—*Ibid, sec.* 39.

Bounty money

3774. For every letter delivered by the commander of any ship in conformity with the direction of Section XL. of this Act, the Officer in charge of the Post Office shall pay to the said commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act, provided that no payments shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in sections 40, 41 and 42 of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.—*Ibid, sec.* 42.

Unclaimed letters &c.

3775. A list of all letters, packets, and parcels, posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge, all letters, packets and parcels, of which the sender's name and address cannot be

ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.—*Ibid, sec.* 44, *cl.* 1.

To be opened &c.

3776. The Post Master General, or some person duly appointed for the purpose and bound to secresy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.—*Ibid, cl.* 2.

Money, &c. found therein.

3777. All money found in any unclaimed letter, packet, or parcel, shall be paid into the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.—*Ibid, sec.* 44, *cl.* 3.

Refused letters &c.

3778. Letters, packets, or parcels rejected unopened by the person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender or shall at his discretion destroy the letter, parcel, or packet, and all money, or other valuable property, which such letter, parcel or packet may contain shall be disposed of in the manner prescribed in preceding Section, with respect to such money or property contained in unclaimed letters.—*Act XVII.* 1854, *sec.* 45.

Franking abolished.

3779. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post, free of postage, whether official or otherwise shall wholly cease; and all letters and packets to which any such privilege now extends, shall henceforth be charged with the same rates of postage as any other letters sent by the post. Provided that letters and packets on the public service, certified to be such by the signature of any public Officer, authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent in such manner as the said Governor General of India in Council shall direct.—*Ibid, sec.* 46.

Lettters on the Public Service duly certified as such, how to be charged.

Letters, &c. suspected to contain contraband articles or writing in contravention of this Act how to be dealt with.

3780. If any Officer, in charge of a Post Office, shall suspect that any letter, parcel or packet lying for delivery at his Office, contains any contraband article, or any articles on which duty is owing to Government, or that any letter, parcel or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Section 8, 15, 16 or 47 of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel or packet is directed, to attend at the Post Office by himself or agent within 48 hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call on two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall be also lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign post or to any place not on the continent of India, unless such parcel be accompained by a Custom House Pass.—*Ibid, sec.* 48.

Government not responsible for loss.

3781. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously or fraudulently.—*Act XVII.* 1854, *sec.* 49.

Fines how to be recovered.

3782. Any person, whether a European British subject or not, who shall be guilty of any offence for which according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence, by any justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrates, Joint Magistrates or person lawfully exercising the powers of a Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.—*Ibid sec.* 58.

Conviction to be quashed on merits only. Form of conviction, &c.

3783. No conviction, order or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari* and if no Jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order, or judgment, shall be aided by what so appears in such depositions.—*Ibid, sec.* 59.

Magistrate may refer charge to his Assistant.

3784. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted assistant, and in such case every such assistant or Deputy Magistrate may exercise all powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such assistants or Deputy Magistrates acting judicially.—*Ibid, sec.* 60.

Government may authorize Assistants and Deputy Magistrates to exercise certain powers.

3785. The Local Government may give general authority to any such assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his assistants, or from any Deputy Magistrate subordinate to him, any case pending before such assistant or Deputy Magistrate.—*Ibid, sec.* 61.

Fines how levied.

3786. All fines imposed under the authority of this Act, for offences punishable by fine only, by any justice of the peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assitant to a Magistrate or Deputy Magistrate, may in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satifaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise that he has not sufficient goods and chattels where upon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed

Imprisonment if not sufficient distress, &c.

fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees; and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid, on payment of the amount.—*Act XVII* 1854, *sec* 62.

Moiety of fines to informer.

3787. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer —*Ibid sec.* 63.

No proceedings shall be taken without an order.

3788 No proceedings shall be taken for the recovery of any such fine without an order of Government or an order in writing of the Director General of the Post Office, or of a Post Master General.—*Ibid, sec.* 64.

Servants of British Government in India committing offences in foreign States in alliance

3789. If any servant of the British Government who shall be employed in the Post Office Department, or shall be appointed a vendor of Postage stamps, or entrusted by the Home Government or any of the said Local Governments with the sale of Postage stamps within the dominions of any Foreign Prince or State in alliance with the Government in which a post shall be established by the Government, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within British India, such servant of the Government shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last mentioned territories, and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the Government, or by any Court or Magistrate, or other competent Officer, in any part of the territories within British India, in the same manner as if the offence had been committed in such part of the said territories —*Ibid, sec.* 65.

Interpretation

3790. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.—*Ibid, sec.* 66.

Governor General in Council may frame rules

3791. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered —*Ibid, sec.* 67.

Books &c sent by post to or from the united king

3792. Unless the Governor-General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the Government or from such place to the United Kingdom. Provided the British postage chargeable thereon be prepaid —*Ibid, sec.* 68.

Governor General in Council may exempt from postage letters sent to or from the united kingdom

3793. It shall be lawful for the Governor General of India in Council, by an order in Council to direct that postage shall not be chargeable under this Act, on any letters or other articles to be specified in such order sent through the post from any part of the British Dominions to any place to which there shall be a post established by the Government or from such place to any part of the British Dominions, subject to such conditions as to the prepayment of British postage or otherwise, as the Governor General of India in Council may think fit.—*Ibid, sec.* 69.

District dawk.

3794. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zemindaree, Thanna or other District Daks, and to declare,

from time to time, what portions of this Act shall be applicable to such Dawks, and to persons employed in connection therewith.—*Act XVII.* 1854, *sec.* 70.

Commencement of Act.

3795. This Act shall commence and take effect from and after the first day of October 1854.—*Ibid, sec.* 71.

SECTION XXVI.

OF PRINTING PRESSES.

Under what rules periodical works of news may be published.

3796. No printed periodical work whatever, containing public news or comments on public news, is to be published within the territories of the British Government in India except in conformity with the rules hereinafter laid down. The printer and publisher of every such periodical work are to appear before the Magistrate of the jurisdiction, within which such work shall be published, and are to make and subscribe in duplicate the following declaration :—" I, A. B. declare that I am the printer (or publisher, or printer and publisher) of the periodical work entitled—,and printed (or published, or printed and published) at:—"and the last blank in this form of declaration is to be filled up with a true and precise account of the premises where the printing or publication is conducted. As often as the place of printing or publication is changed, a new declaration is necessary. As often as the printer or publisher, who has made such declaration, leaves the territories of the British Government in India, a new declaration from a printer or publisher, resident within the said territories, is necessary.—*Act XI* 1835, *sec.* 2.

Form of declaration to be made by printer and publisher

When new declaration is necessary

The originals of such declarations where to be deposited.

3797. Each of the two originals of every declaration so made and subscribed, as is aforesaid, is to be authenticated by the signature and official seal of the Magistrate before whom the said declaration has been made; and one of the said originals is to be deposited among the records of the office of the said Magistrate, and the other original is to be deposited among the records of the Supreme Court of Judicature, or other Queen's Court, within the jurisdiction of which the said declaration has been made. And the Officer in charge of each original is to allow any person to inspect that original on payment of a fee of one rupee; and is to give to any person applying a copy of the said declaration, attested by the seal of the court which has the custody of the original, on payment of a fee of 2 rupees.—*Ibid, sec.* 4.

Such originals may be inspected, and copies taken.

Copy of such declaration to be sufficient proof of the identity of the printer or publisher.

3798. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such a declaration as is aforesaid, attested by the seal of some court empowered by this Act to have the custody of such declarations, is to be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name is subscribed to such declaration, that the said person was printer, or publisher, or printer and publisher (according as the words of the said declaration may be,) of every portion of every periodical work whereof the title corresponds with the title of the periodical work mentioned in the said declaration.—*Ibid, sec.* 5.

How persons, who have signed such declaration may relieve themselves of the responsibility by making certain declaration, which is to limit th

3799. Provided always that any person, who has subscribed any such declaration as is aforesaid, and who subsequently ceases to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate and make and subscribe in duplicate the following declaration: " I. A. B., declare that I have ceased to be the printer (or publisher, or printer and publisher) of the periodical work entitled—." And each original of the latter

declaration is to be authenticated by the signature and seal of the Magistrate before whom the said latter declaration has been made; and one original of the said latter declaration is to be filed along with each original of the former declaration. And the Officer in charge of each original of the latter declaration is to allow any person applying to inspect that original on payment of a fee of one rupee, and is to give to any person applying a copy of the said latter declaration, attested by the seal of the Courts having custody of the original, on payment of a fee of two rupees. And in all trials in which a copy, attested as is aforesaid, of the former declaration has been put in evidence, it is lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration is not to be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.—*Ibid, sec.* 6.

period during which the former declaration is sufficient proof of the identity of the printer or publisher.

3800. It is imperative upon a Magistrate, under the above provisions of Act XI. 1835, to sentence any person convicted of a breach of them to imprisonment in addition to fine. If the fine is not paid, it is to be levied by distress and sale of the goods and chattels of the offender, which may be found within the jurisdiction of the Magistrate, and is not commutable to a further period of imprisonment.—*Const. No.* 1325.

In all cases of breach of this law, imprisonment must be adjudged in addition to fines.

3801. The Magistrate is to furnish annual returns in the prescribed Forms. They are to include every printing press at which any periodical work or any book, or pamphlet, in any vernacular or oriental language, has been printed or published during the year. The Magistrates will probably have no difficulty in making up the returns, as the printer and publisher of every periodical work, and the owner of every printing press, is required by law to make declaration of the same before a Magistrate; and it is not likely that such persons will be otherwise than willing to furnish all information required for statistical purposes. In those Districts in which there are no presses, from which periodical or other works in any dead or living Oriental language issue, a remark to that effect will be sufficient.—*C. O. Sup. Pol. L. P. No.* 5, *April* 23, 1853.

Annual return of printing presses

3802. Magistrates are to report for the orders of Government all cases in which it appears that Act XI. 1835, has been infringed. On the 1st May every year they are to furnish Government with a correct list of all newspapers and other periodicals (whether registered or not), which are published in any place in the District, showing the names of the printer and publisher, the place of printing and publication, and the date of declaration, and also a correct list of the proprietors of presses.—*C. O. Govt. Bengal, No.* 52, *June* 25, 1857.

Infringement of these rules to be reported and annual list of papers and publications to be furnished to Government.

Magistrates are to furnish to the Director of Public Instruction in the N. W. P. and to the Inspector in that department of the circle in which their districts are situated a list of the native presses in their districts. They are also to request the proprietors or managers of native presses to forward to the inspector in the department of Public Instruction a copy of every publication, periodical or other work which may be printed and published at their establishments.—*C. O. Govt. W. P. No.* 3057, *A. Dec.* 3*rd* 1861.

Magistrates to furnish director of Public Instruction and Inspector with list of presses, &c.

SECTION XXVII.

PUBLIC PRIVIES AND CONSERVANCY OF TOWNS.

3803 I am desired to forward, for communication to the Magistrates subordinate to you, the accompanying copy of a Memorandum by Mr. M. R. Gubbins, late Magistrate of Agra, and its enclosures, on the subject of measures adopted by him, with much success, for the improved cleanliness of the city of Agra.—*Govt Order W. P. No.* 3521B, *Aug.* 11, 1854.

Measures to be adopted for cleanliness of towns.

3804 Memorandum by Mr. M. R. Gubbins.

Up to 1850, the city of Agra and its environs, were in a very filthy state. They are now, compared with other stations, unusually clean. The measures by which this change has been effected have extended over the past four years, and may now be said to be altogether, or very nearly, complete. A short account of them may be useful, as showing how some offensive habits of the natives may be gradually changed, and may assist the introduction of similar reforms elsewhere.

Causes of the dirty condition of the city.

2nd. The dirty condition of this city and station had its origin in two practices, both of which are opposed to proper conservancy

City scavengers threw the sweepings into the ravines bordering on their mohullahs.

First. The city scavengers (Bhungees) used to throw the filth of their sweepings into the ravines bordering on their several mohullahs; close to the populous quarters of the city, and to the public thoroughfares. Large heaps of filth were accumulated at these "*dullaos*," or dung hills, which poisoned the air, and generated sickness in the neighbourhood, and remained, many of them, uncleared for years. Some indeed were swept away by the floods, which pour through the ravines during the rainy season; but where not situated in the bed of a ravine, the heap remained, diminished only by portions of the oldest and least offensive matter, removed for the melon cultivation to the sands of the Jumna.

Offensive practice of relieving the wants of nature in the heart of the city.

Second. "That part of the native population which possesses no private accommodation of this kind in their houses, as well as travellers and strangers generally, resorted to the broken ground and nullahs outside the city, to relieve the wants of nature. The extent to which this offensive practice obtained would now surprise one. Public decency used to be openly shocked by the matutinal resort of people indiscriminately to every patch of broken ground, in the heart of the Civil Lines, and other parts of the station, every where bordering on public roads and frequented drives, and adjoining the premises of European residents."

Measures taken to remedy the above state of things.

3rd. The measures taken from 1850, to the present time, to remedy this state of things, have been described in the letters addressed by the Magistrate to the Commissioner, and in the minutes recorded in the Local Agency Department. The following extracts from these papers will throw light upon the subject.

Extract from paper No. 5, dated 15th July 1851, paragraphs 3 to 5.

Cess pools for receiving cleansings of the town. These did not answer as privies.

3rd. "I constructed a number of Cess Pools, in shape like a grain-pit, and they were found to answer well for receiving the cleansings of the city made by the sweepers; but they did not answer as public privies, the people not taking to them, and it being found impossible to dig a sufficient number of them. I was therefore obliged to confine my orders prohibiting nuisances to the immediate vicinity of the Public Roads.

4th. The measures adopted, however, very visibly diminished the nuisance, from which the environs of Agra suffered so greatly before, especially by the cleansings of the city being deposited in the Cess Pools.

Plan of public privies.

5th. This year again the conservancy measures have been renewed, and with greater success; the following plan having been adopted:—

(1) A suitable spot of ground being selected, is enclosed with a kutcha wall, protected on the top with tiling, and carefully plastered. The space enclosed is well levelled and beaten down, and sufficient water escape is provided.

(2) A row of pucka receptacles, constructed of masonry, faced with stone, is then built, having a pucka channel running down the front, which communicates with.

(3.) A Cess Pool, which is dug at the corner or side, and outside the enclosing wall, protected with a masonry top, and enclosed by a wooden trap-door, into which the sweepings of the pucka receptacles are thrown every forenoon and evening, the whole place being well washed down with water. These arrangements are found to answer really well. Where they have been made, neither men nor women will be seen outside. A number of these enclosures have been constructed; many more are being made.

5th. In breifly describing further the system pursued, the subject must be divided into two heads ; viz.

The subject can be divided into two heads.

First. Provision for the accommodation of travellers, and the poorer classes generally, who do not possess private conveniences in their dwellings. Second. Do of domestics of European residents.

6th. The first was found to be a matter of great difficulty. At first, as has been seen from the above extracts, pits, wide at bottom and narrow at the mouth, were dug resembling khuttahs, or native grain-pits, into which the filth of the city sweepings was thrown. But experience showed that these were soon filled, and could not be emptied, and the expense attending the construction of new pits prevented this system being continued. I am not sure, but that it might have answered well in some locales, had a more careful surveillance been exercised over the sweepers. For the pits were filled, not only with filth but with rubbish of all sorts, picked up in the city sweepings, such as ashes and other refuse, which, not being offensive, need not have been thus put out of the way. The plan, however, was given up, and in lieu of it two sites were selected, one at the northern, and other at the southern extremity of the city, away from all dwellings, where the sweepings should be collected ; but here again a formidable difficulty presented itself. In the city of Agra the practice did not obtain of the sweepers being provided with any means of carriage. In Furruckabad, and some other towns, they have bullocks, on which the city sweepings are loaded and carried to a distance. Here they always carried it in baskets themselves. The facility of throwing the filth into the nearest nullahs no doubt was the cause of no carriage being used. But the case became defferent when they were required to convey it to a distance, and the grievance thence arising led to a strike in april last. The sweepers unanimously struck work, demanding a return to the old practices, or an increase of their dues. Attention to their demands was promised, and since then, the dues which they receive from the citizens have been subjected to revision, which has been completed for all but thirteen mohullahs of the city. It becomes therefore necessary to notice what these dues consist of.

Pits did not answer.

Strike among the sweepers.

7th. The right or "birt" of cleansing in a mohullah or division of a mohullah, is one vested in certain sweepers, and is hereditary and transferable by sale or mortgage. This fact was brought to the notice of Government by Mr. F. H. Robinson, when Magistrate of Furruckabad, in a memorandum drawn up on the subject of the Furruckabad conservancy. The birt bhungee does not always sweep himself, but frequently employs a servant to do so, who receives half the monthly money allowance, and the "rotee" or food which is given either daily, or every third or fourth day. The "dues" ordinarily received by sweepers are :—

Right or birt of the native scavengers.

Dues received by Sweepers.

1st. Daily, or every third or fourth day.

2nd. Monthly.

3rd. On certain domestic occasions ; and.

4th. On certain annual festivals.

The daily dues are paid by all, and consist of food (rotee,) and are reckoned by the number of "rotees" or "bread cakes" given daily, or every third or fourth day.

The monthly dues consist of a money payment ; viz. of a certain number of pice per mensem, and are paid by all. The third description of fee is paid by all classes, Hindoos and Mahomedans, on the occasion of the marriage of a son or of a daughter, when a fee of one rupee or eight annas, and a turban or other cloth in lieu thereof, is presented. Also on the birth of a son, ten pice ; and half that sum on the birth of a daughter. Besides which among the Hindoos, on the occasion of a "gummee" or "death" the sweeper receives eight pice per rupee on the charge incurred in purchasing wood for the funeral pyre, and two pice per rupee on the cost of the shroud. Also, the "*birtwalla bhungee*" divides with the "ghaut bhungee" the shroud itself, which is sometimes of costly materials. Among the Hindoos also, on occasion of a feast, the sweeper receives all the leavings of the repast. The fourth due is a present received regularly from the Hindoos on the occasion of the Holee festival, varying from four annas to one rupee. The Mahomdans do not pay this.

8th. The raising of these dues was effected by the city Chwkeedary Buxy, who has been the main agent in all those conservancy measures, assisted by the punches of the several mohullahs, under

Raising of the due

the superintendence of Kowur Kalka Pershad, Deputy Magistrate. An increase was obtained on every family, where the payment was really found disproportionate to the duty; but where the payment was already sufficient, the sweepers made no claim to increase.

Sale of the manure.

9th. It appears singular that no receipts, to any extent worthy of notice, had been obtained by the city sweepers from the sale of the manure prior to the introduction of the conservancy measures. Yet such is the fact; and yet its present value is estimated at Rupees 300 per annum. It seems that it lay scattered and neglected, and removable by any one who cared to do so. The parties thus removing it gave the sweepers a few melons or vegetables in return. By the recent measures the manure was husbanded and collected; and at several sales, which were held by order of the Magistrate, sums of Rupees 100 and 110 were obtained at auction. Now the disposal of it has been placed in the hands of the sweepers, and they have learnt to turn it into money.

How nuisances committed by person who had no privies in their private dwellings.

10th. The nuisance committed by strangers, travellers, the numerous class of domestics of European residents, and generally all the poorer classes, not possessing accommodation in their private dwellings, was checked, and provided for in the following manner:—The practice was prohibited by Public notification, at first within 100 yards, and within sight of any Public road or thoroughfare; and the Police were required to enforce the prohibition by stationing Police-men, morning and evening, all along the most frequented locales. They were instructed to warn off and drive off persons from them. After a while, breach of these rules was punished by a fine of two annas, exacted from any person found so trespassing, for which purpose his lotah was secured, and deposited in the thana till payment was made. Meanwhile accommodation was being gradually provided in all quarters, while those who objected to use that accommodation, and possessed the means provided for their individual wants by the addition of private accommodation to their dwellings. The number of "sundasses" so added, has been great. The European residents of the station were made by Circular to lend their aid in suppressing the practice, by constructing places of convenience for the use of their servants within their own compound as had been practised by Mr. P. B. Reid, Deputy Collector, and others, before the introduction of these measures. The plan recommended was simply a deep pit, wide at bottom, and narrowing to three or four feet at the top. Its depth was from 15 to 20 feet. The top was protected with masonry and stone, and it was surrounded by a screen wall—occasionally a few baskets of quick-lime or common salt thrown in was all that was necessary. The suggestion was very generally adopted by the residents, and these arrangements continue, in pretty general use, at the present time.

I may mention that among the Goozuratee Brahmins, and some other classes, pits of this description have always formed part of the accommodation of each house. It is stated that they never require emptying or renewal, but last for generations. It is asserted that salt, thrown in periodically, dissolves and decomposes the offensive substances, which sink in to the earth; I rather incline to think that they are generally dug to such a depth, and visited by so few, that it would take a century to fill them.

Extention of nuisance prohibition.

11th. After the lapse of many months, and the increase of public and private accommodation, the nuisance prohibition was extended to the whole neighbourhood of the city and suburbs without exception; and for the past two years, this has been strictly enforced. Even in those quarters which are somewhat removed from the city itself, but are ordinarily frequented by the public as thoroughfares, an accommodation was provided; the practise has been prohibited and put down.

Co-operation of the Military authorities.

I have experienced much cordial co-operation and assistance in this respect from the Military Authorities, particularly Brigadier G. W. Lloyd, C. B. who compelled the sepoys on duty at the fort, and the camp followers and others residing in Namueyre, and other villages bordering on, but within the cantonment limits, to conform to those rules when leaving the Military precincts; and the public places of accommodation are now used by these persons, equally with others. Thus the whole civil side of the Cantonment is kept clean. Southward of cantonments, however, which is the quarter most removed from the city, the nuisance continues; but the Military themselves only are sufferers from it.

12th. Before this practice could be effectually stopped, it was found necessary to wage war with the swine, and to place some restriction upon the herding of these animals. It is well known that they are the scavengers of this part of India; and so long as they were allowed to roam at large over the suburbs, it was impossible wholly to put down public indecency and nuisance. With the cession of the nuisance, the food, termed churray, of these disgusting animals, also ceased, and in consequence all the sweepers were interested in opposing the reform. It was found necessary therefore to require that the swine should be confined in pens, and to enforce this order by fines where necessary. Perseverance was successful: many pigs were sent away, and the reduced numbers were confined in piggeries. It is now rare to see one of them outside. Herding of swine.

13th. In making provision for the wants of the public in this particular, pits were first tried, as has been mentioned in the extracts under paragraph 3, but they were not found to answer well for such extensive accomodation as was needed. Each pit afforded accomodation to two persons only at the same time, so that the number required would have been enormous. Further, it was found impossible to keep them sweet, and they filled rapidly and could not be emptied, so that the plan was necessarily abandoned, and that of enclosures, as described in extract (1 to 3) appended to paragraph 3, substituted in its place. This system has answered admirably, the number of enclosures has gone on increasing, until there are now 89 of them, *viz.*, 41 for males, and 48 for the use of female. These are always kept thoroughly distinct and separate, and no single complaint has reached me of improper intrusion into the latter. Appended, marked No. III. and IV., are plans of 2 male and 1 female enclosure, which will sufficiently explain their size and mode of construction. It will be noticed that the arrangements secure complete privacy to each male visitor, while the area of the female enclosures is all open. This is quite contrary to European ideas, but in thorough conformity to those of the people of this country. When the female accomodation was first being provided, I proposed to screen off each Division; but I was assured by the people that it was quite unnecessary, and that those for whose use it was intended would much prefer it being left open again. When I contemplated a similar open accomodation for the men, I was informed that it would never do, and that complete privacy was indispensable. So necessary it is in India to modify the idea which we bring from Europe. Enclosures for male and female.

14th. The appended statement No. II. furnishes all necessary particulars respecting these enclosures. It will be seen that they have cost on an average Rs. 64 8-0 each, the total charge being Rs 5745-11 5, which was obtained from the following sources:— Detail of expenditure.

Collected from the Citizens,..	Rs.	2930	6	5	½
Grants from the Local Agency sanctioned by Government, ...	„	2191	13	8	
Charged to the city Chowkeedaree Funds, ...	„	520	11	8	½
Amount of fines for breaches of Conservancy rules, ...	„	102	11	7	
Total Rs.		5745	11	5	

The collection of the first item, amounting to nearly Rs. 3,000, was not easy; and as it could not be enforced, much caution and tenderness had to be used in obtaining it. The citizens were informed that the nuisance must cease; and that if they would contribute a share of the charge for providing accomodation, the rest would be taken from the public funds; and payment was thus obtained, although slowly and with some reluctance. It should be mentioned that the assistance of prison labor was given for several of the enclosures, by which the cost has been proportionately diminished. The cost of those of which plans (No. 3 and 4) are furnished is noted upon them. How contribution was obtained from the citizens.

15th. When this system was first introduced, the enclosures were swept out and cleansed twice a day, *viz.*, in the mornings and evenings, a sweeper being appointed to each, who received a monthly allowance of one rupee or 12 annas; since then it has been improved by the permanent allocation of the sweepers on the premises, which they are required, and do actually keep constantly clean; sweeping after every visitor. They have been authorized to charge six cowries to every visitor, and necessarily remain Charges of the sweepers.

constantly in attendance to collect their dues ; all strangers and travellers, indeed all but the established resident householders, pay this charge. The latter class have compounded by some increase in the monthly fees of the sweepers, as noted in paragraph 7. The enclosures thus are, or should always be, kept perfectly clean, and in a state which need not offend any visitor.

The system has taken root.

16th. I believe that this system has taken root among the people, and that a little ordinary attention on the part of the Magistrate, to check nuisance, will in a year or two effect a cure of the former very objectionable native habit ; already it is thought that some change may be noticed. In the last rainy season, part of the wall of one of the enclosures fell, and the people of the quarter complained loudly to the Magistrate of the "Exposure," on being advised to repair to the nearest adjoining enclosure, they stated that they would not be allowed to do so, as the use of these places was held the private property of each mohullah, and that interference would not be permitted. When it is remembered that till 1850, exposure was universal, and nothing thought of, some change of feeling must be admitted.

17th The system, which I have thus described, now works in this city, its suburbs and station, without any difficulty, and occasions no trouble. The advantages resulting from it, to Public comfort and health, require no comment. I shall be glad if the example thus afforded of what may be effected to improve conservancy, should lead to like efforts and results at the other stations and cities of these Provinces.

SECTION XXVIII.

RAILWAY LAW.

Fares to be prepaid

3804. No person shall enter any carriage used on any such railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.—*Act XVIII.* 1854, *sec.* 1.

Passenger tickets to be given up on demand.

Penalty.

At intermediate stations, fares and tickets to be conditional.

3805. At the intermediate stations, the fares shall be deemed to be accepted, and the tickets furnished, only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference ; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty ; or of the East India Company, on duty, and all other persons on the business of the East India Company who, by virtue of any contract with the East India Company, shall be entitled to be conveyed on such railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they shall have received their tickets.—*Ibid, sec.* 2.

Proviso.

3806. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.—*Act XVIII.* 1854, *sec.* 12.

Power of Railway Company to detain goods.

3807. The owner or person having the care of any goods which shall have been carried upon any such railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.—*Ibid, sec.* 13.

Written account of goods to be given on demand.

3808. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the presidency towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the Jurisdiction of such Officer or not, and any person hereby made punishable by a justice of the peace, shall be punishable upon summary conviction.—*Ibid, sec.* 30.

Jurisdiction of Magistrate, &c. to fine.

3809. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or proceedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment in obedience to any writ of certiorari; and if no Jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such deposition.—*Ibid, sec.* 31.

Conviction to be quashed on merits only; form of conviction &c.

3810. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted assistant, and in such case every such assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate subject to all the rules applicable to criminal cases deputed to such assistant or Deputy Magistrate acting judicially.—*Ibid, sec.* 32.

Magistrate may refer case to his assistant or Deputy.

3811. The Local Government may give general authority to any such assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to Appeal to the Magistrate from any conviction by such assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his assistants, or from any Deputy Magistrate subordinate to him, any case pending before such assistant or Deputy Magistrate.—*Ibid, sec.* 33.

Local Government may authorize assistant to take up cases without reference.

Proviso.

3812. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any assistant to a Magistrate, or Deputy Magistrate, may, in case of

Fines how to be recovered.

non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custdy ountil the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress and such Officer may take such security by way of recognizance or otherwise; and, if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Act XVIII.* 1854, *sec.* 34.

Enforcing Payment of fare under Section 1.

3813. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of this Act, may be enforced in the same manner as any fine imposed by this Act.—*Ibid, sec.* 36.

Apprehension of offenders.

3814. Every person who shall be guilty of any offence mentioned in Sections 25, 26, 27, and 28, of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or Officer of the Company, or by any other person whom such Officer or servant shall call to his aid, or by any Police Officer of such grade, as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other Officer lawfully authorized to punish the offender or to commit him for trial.—*Ibid, sec.* 37.

Construction.

3815. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance. —*Ibid, sec.* 38.

All Indian railways to be within the Act.

3816. Every railway within the said territories, used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a railway within the meaning of this Act, and every company to whom any such railway shall belong, shall, until the contrary be proved, be presumed to be a railway company within the meaning of this Act.—*Ibid, sec.* 40

Penalty for omitting to report accident

3817. Every such Railway Company shall, within forty-eight hours after the occurrence upon the railway belonging to such company of any accident attended with serious personal injury, give notice thereof to the Local Government; and if any such company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.—*Ibid, sec.* 41.

Local Government may require a return of accident.

3818. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in

such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such company shall forfeit the sum of fifty rupees for every day during which the said company shall neglect to deliver the same.—*Act XVIII.* 1854, *sec.* 42.

Penalty.

3819. If any person is charged before a Police Magistrate of a Presidency Town with committing any offence which, under Section 27 or Section 28 of Act XVIII of 1854 is punishable on conviction with imprisonment, and if such Police Magistrate shall deem it probable, that in consequence of the probable departure of any material witness from the local limits of the jurisdiction of such Magistrate, the prosecution of such offender by indictment in the Supreme Court will be ineffectual, such Magistrate may try the offender, and on conviction may award a sentence not exceeding six months' imprisonment with or without hard labour.—*Act, LII. of* 1860, *sec.* 1.

Police Magistrate may in certain cases try offences punishable under Sections XXVII and XXVIII Act XVIII of 1854 with imprisonment.

3820. The jurisdiction given to Police Magistrates under the foregoing section may be exercised whether the offence shall be charged to have been committed within the local limits of the jurisdiction of such Magistrates or not, and any person hereby made punishable by a Police Magistrate shall be punishable upon summary conviction, but such jurisdiction shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within the local limits of the jurisdiction of the Police Magistrate before whom the offender is charged.—*Ibid, sec.* 2.

Extent of jurisdiction.

3821. This Act shall be taken to be and shall be read as part of Act XVIII. of 1854.—*Ibid, sec.* 3.

Constructing.

SECTION XXIX.

ROBBERY BY ADMINISTRATION OF POISON.

3822. As special measures are required for the prevention and extripation of the most dangerous crime of robbery by the administration of poisonous or deleterious drugs which has been found to exist to an alarming extent on the Grand Trunk Road and Oude, as well as in other parts of the N. W. P. the Lieutenant-Governor has determined to entrust Captain Chamberlain, the Assistant to the General Superintendent for the Suppression of Thuggee for the N. W. Provinces and Oude, with the investigation of all cases of this description which may occur within the limits of his Jurisdiction. Magistrates and all other Criminal Authorities are accordingly hereby required to report all such cases at once to Captain Chamberlain, as also all cases in which there may be reasonable grounds for the presumption that the crime has occurred although its commission may not be susceptible of absolute proof. Persons apprehended as having been concerned in the crime of robbery, or attempt at robbery, by the administration of poisonous or deleterious drugs, will be forwarded by the Local Officer, with the least practicable delay to Captain Chamberlain at Lucknow.—*C. O. Govt. N. W. P. No.* 177*A*, *Feby.* 23, 1861.

Special measures for suppression of robbery by administration of poisonous or deleterious drugs.

3823. Magistrates are to bear in mind that, in reporting such cases to Captain Chamberlain, they are not to confine themselves to a mere meagre Statement that such a case has occurred. On the contrary, to enable Captain Chamberlain to trace the operations and the action of these gangs throughout the vast tract of country, over which his investigations will extend, it will be almost

Report to be full and complete and magistrates to render all possible aid to the Officer entrusted

with the investigation of this crime.

impossible for the Magistrates to enter into too much detail in reporting cases to him. Every circumstance connected with the crime, and all the steps taken to arrest the criminal, and the success which attended them, and the causes of that success or non-success, should all be carefully noted, and stated fully, in their report to Captain Chamberlain, and they are earnestly requested to communicate freely and unreservedly with that Officer on all points connected with the duties which are entrusted to him and to afford him all the aid in their power—*Govt. Order W. P. No.* 178*A*, *Feby.* 25*th*, 1861.

3824. In modification of para. 5 of the notification No. 177A, 25th February 1861, it is directed that in all instances of robbery by the administration of poisonous or deleterious drugs in which the prima facie evidence is of such a nature *as to leave no reasonable doubts of the guilt of an offender, Magistrates are at once to prepare the case and commit it for trial before the Sessions Judge.** If conviction should follow on the commitment, the convicted man will be transferred for custody to Captain Chamberlain Assistant Superintendent of Thuggee and Dacoity for the N. W. P. and Oude. In all other respects the Circular No. 178A, of 25th February 1861, holds good.—*Govt. Order No.* 392*A*, *May* 2*nd*, 1861, *W. P.*

* The clause in italics has been cancelled vide para. 3827.

Such offence is generally committed by organized gangs.

3825. Enquiry having been recently directed to the crime of theft by administering poisonous drugs, it has been quite satisfactorily ascertained that offences of this kind are seldom committed except by persons belonging to organized gangs, who are professional poisoners, and who though working separately, and in distant places owe allegiance to some chief or leader, who in fact employs them, and receives the whole or greater part of their earnings.—*Govt. Order W. P. No.* 914*A*, *Sept.* 11, 1861, *para.* 1.

Antecedent history &c of persons committing such offence to be enquired into and recorded.

3826. It is therefore of the utmost importance that the antecedent history of all persons who may be apprehended on a reasonable suspicion of this offence, should be scrutinized, his former means of livelihood discovered; his recent occupations and engagements enquired into; and that all these circumstances, as well as every fact calculated to throw light upon the organization, by which the crime under notice is carried on, should be placed on record.—*Ibid, para.* 2.

Report to be made to Captain Chamberlain who is to pass orders for committal or acquittal.

3827. So much, therefore of the circular No. 392, May 2nd, 1861, as requires that in all instances of robbery by the administration of poisonous or deleterious drugs, in which the *prima facie* evidence is of such a nature as to leave no reasonable doubts of the guilt of an offender, the Magistrate shall *at once* prepare the case and commit it for trial before the Sessions Judge is cancelled. Magistrates are directed, on the apprehension of such offenders, to retain them in custody pending the receipt of directions from Captain Chamberlain, assistant Superintendent for the suppression of Thuggee and Dacoity. Where proof of guilt rests on clear *prima facie* evidence, Magistrates will proceed to put that evidence on record and forward the case for final orders to Captain Chamberlain, every commital for trial, or final acquittal emanating from that Officer alone.—*Ibid, para* 3.

Cases to be promptly reported and description of offenders sent.

3828. With reference to the enclosed extract from Captain Chamberlain's report, Magistrates are required to be careful to report to the above Officer all cases of poisoning, or attempts at poisoning immediately after their occurrence, the report to be accompained by a description of the prisoner arrested, or of the escaped criminal. "Oftener than not, no description of the prisoner arrested or escaped criminal or criminals, come to me, thus frustrating a comparison, or track of the parties at work. 2. Many of the cases in the return I first learnt of, through half-yearly return. Nither Magistrates nor Police Officers had given me any intimation and where as often the delay of 24 hours precludes any successful search for a criminal I ask (without wishing to condemn those associated with me indirectly in this duty of arriving at existence or non-existence of confederacy of criminal profession) whether it can be fairly expected that any correct results can be arrived at or detective process secured, when I learn of these cases of spoliation either with or without deaths several months after they had occurred. It is useless to say that in such case there is no remedy, or that every weeks delay was carrying with it so much certain obstacle against any discovery whatsoever.—For the future, I would suggest that Police reports with description of criminals at work, either captured or at large, should accompany every case sent to me. This will prove a material aid and give me better opportunities of comparing or defining

* No 20 & 204 7, 9, 10, 13, 15, 16, & 19,

movements of criminals than otherwise. Hitherto the duties and enquires in these cases have been very heterogeneous, and I fear Government will feel disappointed as I am myself that more has not been discovered by me."—*Govt. Order W. P. No. 782A, Oct. 20, 1862.*

SECTION XXX.

OF THE SALT LAWS, IN THE LOWER PROVINCES.

JURISDICTION What cases regarding salt lie to the salt agent and what to the Magistrate, and civil Judge.

3829. All suits, complaints, and information for the recovery of any fine or penalty recoverable by Government, or by the informer, on account of the illicit manufacture, sale, purchase, importation, transportation, or possession of salt, excepting complaints or charges preferred against public Officers for a breach of their official duty, of which the cognizance is specifically reserved to the Judges or Magistrates, and excepting cases of adulteration of salt, are cognizable in the first instance by the salt agents and Superintending Officers of salt chowkees, any thing in the existing regulations to the contrary notwithstanding.—*Reg. X.* 1819, *sec.* 96.

ILLICIT MANUFACTURE &c. all native Officers to assist in suppressing illegal manufacture of salt, under penalty.

3830. All native Officers of Government of whatever description, including all chowkeedars, paiks, and other Officers of village Police, are strictly enjoined to assist in suppressing the illicit manufacture of salt, by giving instant information to the authority to whom they are immediately subordinate, whenever it comes to their knowledge that any illicit kalary or salt work has been, or is about to be, established in any village: and if any Officer aforesaid, neglects to give such information, or in any respect connives at the illicit manufacture of salt, such Officer besides being liable to dismission from Office, is further subject, on conviction, to the payment of a fine * not exceeding 500 Rupees for each kalary or salt work established or worked with his knowledge or connivance.—*Ibid, sec.* 34.

* To be adjudged by the salt Officers, under sec. 109.

Magistrate to forward information to salt Officers.

3831. Magistrates or other authorities, who receive information of the establishment of any illicit kalary, are immediately to transmit the information so received to the nearest salt agent or Superintendent of salt chowkees.—*Ibid, sec.* 35.

All native Officers to assist in suppressing illicit salt, transportation, possession &c of salt, under penalty.

3832. All native Officers of Government of whatever description, and specially all such Officers in the Districts within which, or in the neighbourhood of which, salt is manufactured on the public account, or in those in which salt chowkees are established, are specially enjoined, under pain of dismission from Office, and the penalties herein specially provided, to assist in suppressing, the illicit sale, purchase, importation, transportation, or possession of salt, by seizing the same if authorized to do so, or if not vested with the power of seizure by giving immediate information to the authority to which they are respectively subject of all instances of such illicit sale, purchase, importation, transportation, or possession of salt which come to their knowledge. Any Magistrate or other Officer, to whom such information is given, is immediately to transmit the same to the salt agent, or Superintending Officer of salt chowkees. Any native Officer aforesaid, who neglects to give information in the cases above specified, or who in any manner connives at the illicit sale, purchase, importation, transportation, or possession of salt, is, on conviction, liable to a fine * not exceeding 5 rupees for each and every maund of salt so sold, purchased, imported, transported, or possessed with his knowledge or connivance.—*Ibid, sec.* 54.

Magistrate to transmit information to salt Officers.

* To be adjudged by the salt Officers under sec 109

Police Officers to give information to the nearest salt Officers, and to the Magistrate, of illegal

3833. If any Officer of Police receives information of any salt not made in the British Provinces, having been illegally imported into the said territories; or of salt of any description being transported without the proper *rowannahs or charchitties*; or of any salt being manufactured on account of individuals by molungees, or other persons, at the kalaries or salt works established

importation, transportation, manufacture, or adulteration of salt.

individuals for the purpose of manufacturing salt on their own account, or that of any other person, or of the adulteration of salt by mixing it with the substance called "*kharinim*," or other substance such as "natron" or native fossil alkali or the vegetable alkali or potash; such Police Officers are to transmit immediate notice thereof to the nearest Officer in the salt department empowered to attach contraband or adulterated salt, and to the Magistrate to whose immediate orders they are subject.—*Reg. XX.* 1817, *sec.* 29, *cl.* 6.

Salt Officers attaching salt, who fear resistance to apply to the Police for aid.

3834. If any Officer authorized to attach salt has seized, or is about to seize any despatch of salt, on information or suspicion of its being contraband, or has effected or is about to effect the attachment of the cattle, carriages, or boats used in transporting such salt, and has reason to apprehend forcible resistance, such Officer is to apply to the nearest darogah to aid him in the execution of his duty; and all darogahs or other Officers in charge of thanas or chowkees, to whom such application is made, or who have otherwise reason to apprehend the occurrence of a breach of the peace in consequence of a seizure of salt, are immediately to afford the requisite aid to effect the seizure and preserve the peace.—*Reg.* X. 1819, *sec.* 57.

The Police Officers are to comply with such applications.

3835. The Officers of Police as required by the above provisions * are to comply with applications made to them by a salt agent, or Superintendent of a salt chowkee or by the officers attached to the salt department, or by any Collector of Revenue or Customs, for assistance in effecting the seizure of salt illegally imported, manufactured, sold, or transported; and also for the seizure of adulterated salt, and for the attachment of the cattle, carriages, or boats used in transporting such salt.—*Reg.* XX. 1817, *sec.* 29, *cl.* 5.

In such case no responsibility attaches to the Police.

3836. Such seizures are to be made on the responsibility and at the risk of the officers authorized to seize, and the Police Officers are not competent to exercise any discretion in regard to the propriety or otherwise of the seizure, which they are called upon to support; but are to be careful to prevent any unnecessary violence.—*Reg.* X. 1819, *sec.* 58.

Police Officers are not to seize salt in the first instance of their own authority unless specially empowered so to do.

3837. The Police Officers are to confine themselves to sending the information aforesaid (3833) to the nearest Officer in the salt department, and to the Magistrate and to assisting in the seizure of the salt, either under the orders of the Magistrate or on application from the Officers of the salt department, and are not to seize or detain any salt in the first instance of their own authority, except when they have been vested by Government with special authority for making such seizures, in which case they are to receive saparate instructions for their guidance in the performance of that duty.—*Reg* XX 1817, *sec.* 29 *cl.* 7.

Under penalty of dismission and damages to be adjudged by the civil Court.

3838. In all cases, in which it appears that an attachment or seizure of salt has been made by an Officer of Police without the special orders of the Magistrate, or on application from any public Officer authorized to require, the assistance, of the public Officer, by whom such attachment is made; he is liable to dismission from Office, and on the institution of a regular suit in the Dewanny Adawlut on the part of the proprietors to the payment of full damages to the whole amount of the loss and expense to which the proprietors have been subjected.—*Ibid*, *cl.* 8.

Salt agent or Superintendent attaching contra-

3839. On receiving certain information that contraband salt is stored in any place situated in the tract of country † in Bengal or Orrissa within which the transportation of salt without

* In the original is quoted clause 2, section 11, Regulation VI. 1801; but the whole of that Regulation is repealed by Regulation X. 1819, and the provisions quoted in the text have been enacted instead.

† Such tract does not extend, within the delta of the Ganges and Megna rivers, beyond the line of the reach of the tides in the rivers communicating with the Bay of Bengal as taken at springtide in the dry season; nor Eastward of the Megna, North of the river Goomtee; nor Westward of the river Hooghly, beyond a line drawn from a point on that river distant one mile from the Northern end of the town of Nyasorai and to the North thereof, to a like point distant one mile to the North of the town of Guttaul, and thence to a like point distant one mile to the North of the town of Midnapoor, and thence to a like point distant one mile to the North of Huldipookur in Singbhoom, so as to include each of those towns respectively.—*Act XXIX.* 1838, *sec.* 33.

rowannah is not lawful, the salt agent or Superintendent of chowkees is to proceed to seize it in person, if the place of such store be not too distant, together with the informant, summoning by written notice the nearest Police Darogah or other Officer in charge of the Police Thanah or station to attend likewise, and witness the proceeding.—*Act* XXIX 1838 *sec.* 3.

Band salt in store within certain limits to summon the nearest Police Darogah to attend.

3840. For the purpose of making seizure of salt in store so informed against, it is competent to any salt agent or Superintendent having a Police Officer in company, to break open the door of the house, ware-house, or other place in which the salt is stated to be stored, if upon requisition duly made, the door is not immediately opened by the owner or accupant thereof.—*Ibid, sec.* 4.

Salt agent or Superintendent having a Police Officer, in company may break open the door of the store house.

3841. If the salt agent or Superintendent is not able to proceed in person to make a seizure of salt in manner above provided, he is to send along with the informer one or more confidential Officers of his public establishment, not being under the rank of a jemadar of peons, giving to such Officer or Officers his warrant ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogah or other Police Officer to attend; and the Officer so deputed has power to act in like manner as is provided for the agent or Superintendent in person; provided that the door of no house, ware-house, or other place, is to be broken open to make a seizure of salt except in the presence of a salt agent or Superintendent of chowkees, or of an Officer so specially deputed and of an Officer of Police.—*Ibid, sec.* 5.

The salt agent or Superintendent may depute an Officer if he cannot proceed in person.

Forcible entry illegal, except in the presence of certain Officers.

3842. It is competent to the head Officer of any salt chowkee, or aurung for the manufacture of salt, on receiving information of salt exceeding one maund in quantity being in store in a house, ware-house or other place, to act thereupon as provided in Sections 3 and 4 for the salt agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three cos from the station or a salt agent or Superintendent of chowkees, or from the place where the salt agent or Superintendent may be.—*Ibid, sec.* 6.

But the head Officer of a salt chowkee or aurung may act for the agent if the place is more than 3 cos from the station of the agent or Superintendent.

3843. Whenever it is necessary to break open any house, ware-house, or other place, to effect a seizure of salt, the rules and precautions prescribed in *Regulation* XX 1817, *and Section* 10, *Regulation VII.* 1799 (since repealed) for breaking into a house for execution of process of distraint, are always to be observed by the Police Officers in attendance; provided however that the responsibility for the act, and the determination whether to require the door to be broken open or not, rest with the Officers of the salt department only.—*Ibid, sec.* 8.

Rule for breaking open any house, &c.

No responsibility rests with the Police in such cases.

3844. If the seizure is made by an Officer of the salt department other than an agent or Superintendent of chowkees, such Officer is to report the circumstances within 24 hours to his official superior; and the Police Officer in attendance is likewise to report the occurrences at the time of seizure to his official superior.—*Ibid, sec.* 10.

Reports to be made by the salt and Police Officers.

3845. The salt Officer bearing the notice as aforesaid, and the Police Officer receiving such notice, are to specify in their respective reports the date and exact time when the notice was delivered to the latter: and, if any delay occurs in effecting the search, the said Officers are to record the circumstances at full length in their respective reports.—*Reg.* X 1819 *sec.* 62.

In which the date and time of delivering the notice to the Police Officer is to be noted.

3846. The authority to seize salt, and other articles liable to seizure and confiscation, under the rules of this regulation, is to be exercised, in virtue of their offices by salt agents and superintendents of salt chowkees, and their assistants, unconvenanted European and subordinate native Officers. But Government has the power of vesting a like authority in such of the Magistrates, Collectors, or Officers of the Customs, abkaree, and opium departments, and their subordinate officers respectively, as is deemed fit.—*Ibid, sec.* 71, *cl.* 1.

Power to seize salt vested in whom.

3847. Provided, however, that all uncovenanted European or Native Officers, making a seizure under the powers vested in them by this regulation, or by the special orders of government, are within 24 hours after making such seizure to communicate their having done so, with a report

If such power vested in subordinate Officers they are to report

to their superior Officer within 24 hours after making seizure.

of the circumstances connected with the seizure, to the authority to which they are respectively subject; and the Magistrate or other Officer, to whom information of a seizure is thus communicated is immediately to transmit the report to the nearest salt agent or superintending Officer of salt chowkees, to whom all salt so seized is to be delivered.—*Reg. X.* 1819, *sec.* 71, *cl.* 2.

Salt Officer how to act on information of illicit manufacture in any ware house &c.

3848. Any salt agent or superintendent of salt chowkees, and also any assistant to a salt agent or superintendent, or any head officer of any salt chowkee or aurung, to whom information is given that salt is unlawfully manufactured in any ware-house, dwelling-house, or other enclosed place, within his jurisdiction, may act upon such information in the same manner as in Act XXIX 1838 he is authorized to act, upon information given him of salt exceeding one maund in quantity being in store in a house, ware-house, or other place; and all freshly manufactured salt found by such officer is liable to seizure together with the implements of manufacture; and the provisions of Sections 2 to 10 Act XXIX 1838, as to the receipt of information and the manner of search and seizure, and of Section 23 of the same Act as to the penalty for false and malicious information, are to be applicable to information given and search and seizure made under this Act.—*Act III.* 1851, *sec.* 1.

None but Officers so empowered can make seizure.

3849. The salt Officers being alone empowered to attach of their own authority, and by virtue of their Offices, salt which they know or suspect to have been illegally manufactured, imported, sold, or transported, no officers excepting those above described are to seize or detain salt, unless specially vested by government with authority to that effect.—*Reg.* X 1819, *sec.* 72.

Subordinate native Officers so empowered how to proceed on receiving information of the illegal importation, transportation or manufacture of salt.

3850. Whenever any of the native officers subordinate to a Magistrate, Collector, or Officer in charge of the abkaree mehal, or a Collector or Deputy Collector of Customs, who are especially authorized by government to seize salt, receive information of any salt not made in the British Provinces of Bengal and Orissa on account of government, having been illegally imported into the said territories; or of salt of any description being transported or stored within the limits of the salt chowkees without the proper rowannah* chalan† charchitty or special pass or of any salt being manufactured on account of individuals by molungees or other persons at the kalaries, or salt works established on account of the government or at any kalaries or salt works established by individuals for the purpose of manufacturing salt on their own account, or that of any other persons; the several officers aforesaid are, as above directed, to transmit immediate notice thereof to the nearest Officer in the salt department, empowered to attach contraband salt, and to the Magistrate

* A rownah bears the seal of the salt office and the signature of the secretary or one of the covenanted assistants attached to the Board of Revenue. It specifies the quantity of salt intended to be transported under it; the date of the sale; and number of the lot in part or in full of which the salt is deliverable; the mode of conveyance; the place to which the salt is to be transported; and the route by which it is to be conveyed. Such rowannahs are current for only one year from their date, after which they are wholly null and void, and in no degree protect any salt which they accompany.—*Reg.* X 1819, *sec.* 30, *cl.* 2.

† A chalan, in all practicable cases, is to be signed by the agent or other European Officer in charge of the golahs, as well as by the darogah or other head native officer of the golah station at which the salt is delivered. It specifies the quantity of salt laden on the boat, vessel, or karros of bullocks; the date of the sale; and number of the lot in part or in full of which the salt is delivered; the name of the original purchaser at the sale; and of the present proprietor of the salt; the number of the rowannah by which the salt is covered, and the total quantity of salt covered by the same; the name of the gomastah who receives the salt; of the proprietor of the boat, vessel, or karroo of bullocks, on which the salt is laden; and of the manjee, sarang, or sirdar, in charge of such boat, vessel, or karroo; the description, burden; and number of oars of the boat or vessel and the number of bullocks in the karroo; also the place of destinations of the salt.—*Ibid, cl.* 4.

or other functionary to whose immediate orders they are subject and are further to be guided by the following rule. If the salt is accompanied by a regular rownnah, chalan, charchitty, * or special pass, † the native Officers are to confine themselves to sending the information aforesaid to the nearest Officer in the salt Department, and to the European functionary to whom they are subordinate, and to assist in the seizure of the salt either under the orders of their immediate superior, or on application from the Officers of the salt Department, and are not to seize or detain any salt accompanied by such papers in the first instance of their own authority; but if any despatch of salt is unaccompanied by the rowannah, chalan, charchitty, or special pass, as aforesid, the said Officers are empowered of their own authority to detain the salt, sending without delay notice of the detention of the salt to their superior, and to the nearest Officer in the salt department. Any native Officer of Government (not being an Officer attached to the salt department) unless specially authorized to do so, as will as any salt Officer, who though specially authorized as above seizes or detains salt accompanied by a regular rowannah, chalan, charchitty, or special pass, is liable to be dismissed from his Office; and to be prosecuted for damages in the Civil Court by the owner or holder of such salt.—*Reg.* X. 1819, *sec.* 73.

Penalty breach of these rules.

3851. If salt has been seized by the Officers or under the orders of a Magistrate, or by the orders of any Collector of Revenue or Customs, or Deputy Collector, or any Officer in charge of the Abkaree mahal, or Opium Agent or his Deputy, previously to the delivery of such salt to the Officers of the salt Department, and such Magistrate, Collector, or other Officer aforesaid, is of opinion that the salt was seized on false or erroneous information, and that the salt is not liable to confiscation, he is empowered to release the salt.—*Ibid, sec.* 75, *cl.* 3.

If salt has been seized by orders of Magistrate, he is empowered to release it before delivery to the salt Officers.

3852. The Magistrate are to cause to be communicated, in the manner which appears to them most convenient, to the salt agent or superintending Officer of chowkees, the particulars of all information received from the Police Officers, and also of all applications made to those Officers by the Officers in the salt department, or by any Officer empowered to attach salt, for assistance, in the seizure of salt.—*Ibid, sec.* 76.

Magistrates to communicate to agent all information regarding salt received from Police Officers.

3853. Whenever salt is seized as contraband, because unaccompanied by any rowannah or other protecting document, the person or persons conveying or having incharge the same are to be apprehended; and all Officers, who are empowered to seize salt under the above provisions, are likewise competent to arrest the parties found with or having the salt in possession.—*Act* XXIX. 1838, *sec.* 12.

When contraband salt is seized, the persons conveying it are to be arrested.

3854. It is lawful for the salt agents and Superintendents of salt chowkees, and other Officers, who are duly empowered to seize salt, to stop and search any boats or vessels of a build adapted for sea navigation, that are found within the limits described in Section 33; (3839 Note) and if salt is found thereon, not accompanied by the necessary rowannah or other protecting

Officers empowered to seize salt may stop and search certain vessels.

* A charchitty has affixed to it the signature of the Darogah or mohurir of the salt chowkee whence it was issued, and specifies the quantity of salt covered by it, which quantity must be less than 100 maunds of 82 sicca weight to the seer; also the time for which it is current, which is never to exceed six months; the number of the rowannah from which the salt is written off; and the limits within which the salt is to be sold. The charchitty is current only within the limits subject to the control of the Darogah by whom it has been granted, and does not cover salt in its transit through the chowkees subordinate to any other Darogah.—*Reg* X. 1819, *sec.* 36, *cl.* 5 *and* 6

† A special pass, or a traffic rowannah for the conveyance of salt not exceeding 100 maunds to any place beyond the line of the chowkees within which the salt is stored, is duly registered, signed, and sealed by the Secretary to the Board of Revenue or one of the covenanted assistants of the board, as a rowannah. Its currency in no case exceeds the period of six months.—*Ibid, cl.* 7 & 8.

document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an Officer empowered to adjudicate cases of contravention of the salt laws.—*Act XXIX.* 1838, *sec.* 13.

Persons arrested are to be carried direct to the nearest salt Officer competent to try the case; and once arrested are not to be released.

3855. Whenever any person is arrested by an Officer of the salt department, or by any other Officer of other departments duly empowered to make a seizure of salt, the person making the arrest is bound to carry the party arrested direct to the Officer of the salt department, who is competent to try the case, and no person so arrested is to be released, until the case has been brought to judgment in the manner provided by law.—*Ibid, sec.* 21.

ADULTERATION Certain kinds of adulterated salt to be confiscated and destroyed. Penalty on persons adulterating it or selling such.

3856. Any common or alimentary salt, adulterated by an artificial admixture with the substance called kharinun or mixed with phulkharinun,—puckwa salt, or any description of impure and bitter salt, which is found in any golah, or shop, in any place whatsoever, is to be confiscated and destroyed; and any salt merchant, or other person selling salt, wholesale or retail, who so adulterates it or knowingly sells any salt so adulterated, is to pay a fine calculated at the rate of 10 rupees per maund of 82 sicca weight to the seer upon the quantity which is found so adulterated.—*Reg.* X. 1819, *sec.* 77.

Magistrate in what manner to ascertain whether the salt is adulterated.

3857. In cases of attachment of salt alleged to be adulterated with kharinum, or any other salt of the description above specified, the Magistrate is without loss of time to ascertain the fact by reference either to the civil surgeon of the station for examination, or to a committee of respectable merchants or dealers in salt, or in any other mode that appears most likely to elicit the truth.—*Ibid, sec.* 79.

Magistrate to stay proceedings, if the proprietor of the salt give security for the fine, and institutes a suit in the Civil Court against the Officer who seized the salt within one month.

3858. Provided always, that if the proprietor of such confiscated salt, being dissatisfied with the order of confiscation, immediately gives responsible security for the amount of the penalty, and further, within a period of one month, institutes a regular suit in the Dewanny Adawlut against the Officer, who seized the salt, for damages, in such case the Magistrate is to suspend the execution of his order and to stay all further proceedings: but if, at the expiration of one month from the date of the order of confiscation, no suit has been instituted by the proprietor of the salt, the Magistrate is without further delay to levy the penalty from his security, and otherwise to carry the order of confiscation into full effect.—*Ibid, sec.* 80.

Magistrate may dispense with security, taking bail for his appearance.

3859. In all cases where any proprietor of salt confiscated for being adulterated with kharinun, or any of the substances aforesaid, is unable to give the above security for the amount of the penalty, the Magistrate, upon his being satisfied of the inability of the party to give security, is empowered to dispense with security, taking from the party bail for his appearance only to abide the issue of the suit; or, in the event of the suit not being instituted within the period prescribed by the preceding Section, to answer in his own person the amount of the penalty; and in the meantime the Magistrate is to keep the salt under attachment.—*Ibid, sec.* 81.

Salt to be held under attachment pending suit.

3860. In the event of a regular suit being instituted for the purpose of setting aside the order of confiscation, the salt is to be held under attachment by the court until a final decision is passed in the cause.—*Ibid, sec.* 84.

If seizure is made by native Officers without information they are entitled to to half the fine.

3861. When attachments or seizures of salt adulterated with kharinun, or other salts of the nature described above, are made wholly by the native Officers of Government, and not upon any information furnished to them, they are entitled to receive one moiety of the fine, which is levied from the offender, agreeably to the rule prescribed above, and the other moiety is to be carried to the account of Government.—*Ibid, sec.* 94, *cl.* 1.

If with information to one-third and the informer to one-third.

3862. If any other person or persons give information of salt being so adulterated to the native Officers of Government, and the salt is seized in consequence of such information he or they are entitled to receive one-third of the fine which is levied as above prescribed and the

Officer, who has made the seizure is entitled to receive also one-third of the amount. The remaining third is to be carried to the account of Government.—*Reg. X.* 1819, *sec.* 94, *cl.* 2.

Proceeds of sale of boats, &c. to be divided in the same manner.

3863. The boats, carriages, &c., on which such adulterated salt is loaded together with the horses, bullocks, and other cattle employed in its transportation are to be forfeited and sold by public sale, and the proceeds of the sale are to be distributed in the manner above mentioned for the distribution of the fine levied from the offender.—*Ibid, cl.* 3.

Board of Revenue may remit any portion of such fine and penalty.

3864. In all cases in which any salt is forfeited to Government under the rules contained in this regulation, or in which any person has been subjected to the penalties prescribed in sec. 77, it is competent to the Board of Revenue, on application from the party, to call for a report of the circumstances of the case from the salt Agent or Superintendent, by whom it was in the first instance investigated, and to remit any portion of the fine or penalty which has been imposed.—*Ibid, sec.* 117, *cl.* 1.

FINES AND IMPRISONMENT Rules for commutation of the above fines to imprisonment.

3865. Whenever a penalty or fine is adjudged against any person under the provisions of this regulation, it is competent to the Officer or authority adjudging the same, in case the amount is not discharged, to award a period of imprisonment in commutation according to the following scale, in addition to such imprisonment as such Officer or authority is specially empowered to adjudge:—

If the amount of the fine or penalty does not exceed 50 rupees,—the imprisonment to be awarded in commutation is not to be less than 15 days, and not more than one month:

If the amount of the fine or penalty exceeds 50, and is less than 100 rupees, the imprisonment to be awarded in commutation is not to be less than one month, and not more than 2 months:

If the amount of the fine or penalty exceeds 100, and is not more than 500 rupees, the imprisonment to be awarded in commutation is not to be less than 2 months, and not more than 4 months:

If the amount of the fine or penalty exceeds 500 rupees,—the imprisonment to be awarded in commutation is not to be less than 4 months, and not more than 6 months.—*Reg. X.* 1819, *sec.* 110.

Person confined under these rules to be imprisoned in the Civil Jail.

3866. All persons sentenced to imprisonment under the provisions of this regulation, and all persons confined for non payment of the fines to which they are liable, are to be confined exclusively in the Dewanny Jail.—*Ibid, sec.* 121.

Except when persons concerned in illicit manufacture, or native Officers causing it to be manufactured on their own account, or molungees embezzling, are sentenced to imprisonment in addition to fine; or persons smuggling are sentenced to imprisonment in lieu of fine.

3867. But Persons convicted of having been concerned in or having encouraged or promoted the illicit manufacture of salt, or Officers or servants employed in the salt Department, or any other native Officer of Government, convicted of causing salt to be obtained from the manufacturers or other persons employed in the salt Department otherwise than on account of Government, or of having caused salt to be manufactured from their own benefit, or of having knowingly permitted such manufacture for the benefit of any other Person, or molungees, or others receiving advances for the manufacture of salt on account of Government, convicted of embezzlement of the salt for the Provision of which they received advances from Government, or of otherwise illegally disposing of any salt manufactured by them,—and sentenced to imprisonment in addition to fine, are to undergo such Punishment in the Foujdaree Jail, and so, persons convicted of smuggling salt without rowannah singly or in gang, and sentenced to pay a fine to Government, are, if the fine is not paid, to be imprisoned in the Foujdaree Jail. And the warrant of the Officer adjudicating any such case is authority for the Magistrate, or other person in charge of the Foujdaree Jail, to hold the person described therein in confinement in such Jail, as is specified and required in the said warrant—*Act XXIX.* 1838, *sec.* 15, *and* 16.

The warrant of Officer adjudicating is authority for the Magistrate to hold persons in confinement.

SECTION XXXI.

Of the Customs and salt laws in the North Western Provinces and Oude.

Import and export duties leviable in Western Provinces.

3868. The following and no other duties of Customs are leviable upon import and export of articles into and from the North Western Provinces of the presidency of Bengal, that is to say :—On the import of salt, of all descriptions, two rupees per maund, and a further duty of one rupee per maund on the transmission thereof to the Eastward of Allahabad. On the import of cotton, uncleaned, four annas per maund ; cleaned, eight annas per maund. Goor, Kab, Sheerah, and all unclayed and unrefined Saccharine produce, three annas per maund. The impor of sugar into any part of the said provinces, is, and shall remain, prohibited.—*Act XIV.* 184' *sec.* 2.*

Rate of duty to be charged on the exportation of Sugar from 9th March 1861.

3869. From and after the ninth day of March 1861, in lieu of the duty on sugar and other Saccharine produce exported from the North Western Provinces, authorized to be charged under Act XIV. of 1843 (for regulating the Customs duties in the North Western Provinces,) there shall be collected and paid the following duty, that is to say :—

On the export of Misri, Kond, Cheenee, and all clayed and refined sugar, one Rupee per maund. On the export of Goor, Kab, Sheerah, and all unclayed and unrefined Saccharine produce, six annas per maund.—*Act XVII.* 1861.

Government to make rules for collection of such duties.

3870. It shall be lawful for the Government of the said provinces from time to time to make and issue such order as may be deemed expedient for the collection of the aforesaid duties in such manner, and upon such lines, and at such places on or near such line or lines, as may seem fit ; and all such orders shall have the same force as if they formed a part of this Act from the date notified in the gazette, wherein they shall be published.—*Act XIV.* 1843, *sec.* 3.

Collectors may destroy salt works and seize salt.

3871. It shall be lawful for the Collectors of Customs and the Collectors of land revenue, within their jurisdictions, to destroy all works for the manufacture of salt, and to seize the salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and to make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.—*Ibid, sec.* 5.

Particulars to be recorded by Officer on receipt of information as to unlawful manufacture or store of salt.

3872. Whenever any Collector or other Officer of Customs or land revenue, not being under the grade of assistant patrol in the Customs Department, or of naib tuhseeldar in the Revenue Department, receives credible information that, within his Jurisdiction, salt is unlawfully manufactured, in any dwelling house, ware-house, or other enclosed place, or that salt is unlawfully stored in any such house or place within the limits of Customs Jurisdiction as defined by the Government of the North Western Provinces of the presidency of Bengal under the provisions of Section 3, Act XIV. 1843, he shall first record in writing the name, residence, and calling of the informant, the locality and description of the house or place where he believes the salt to be manufactured or stored, and the name of the owner or accupant of such house or place, or the name of the person for or by whom such salt is manufactured or stored, and with respect to salt stored, the supposed quantity and description of such salt, with the grounds for believing the same to be contraband.—*Act* XXXVI. 1855, *sec.* 1.

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* By Act I. 1860, the duty on salt imported into the North Western Provinces has been increased from a fixed rate of two rupees to such rate as the Governor General in Council may direct not exceeding three rupees per maund, and a further duty not exceeding one rupee per maund is leviable on the transmission of salt to the eastward of Allahabad. The prohibition on the import of sugar was rescinded by Act XIX. 1854, and the duty on the import of cotton was taken off by Act 35, 1855.

3873. The said Officer, after recording the particulars aforesaid, may summon from the nearest Police Station, a Police Officer, not being under the grade of a Jemadar, (head constable) to attend him, and with such Police Officer and informant proceed to the said house or place, and in their presence search the same for salt unlawfully manufactured or stored; provided that such search be not made between sunset and sunrise.—*Act XXXVI.* 1855, *sec.* 2.

Officer thereupon may summon Police and proceed to search a house for contraband salt.
Proviso.

3874. The said Officer, in company with such Police Officer, may break open the door or force an entry within the said house or place, if, upon requisition duly made, the door be not opened, or admission be refused, by the owner or occupant thereof.—*Ibid, sec.* 3.

Officer may break open doors.

3875. Section 4 of Act XXXVI. of 1855, is hereby repealed and the following Section is enacted in lieu thereof, and shall be read and construed in the same manner as if it formed part of the said Act, namely :—

"If the place to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Officer making the search shall give notice to such woman in such zenanah or apartment that she is at liberty to withdraw, and after giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer may enter such zenanah or apartment for the purpose of completing the search using at the same time every precaution consistent with these provisions for preventing the clandestine removal of any Salt. Provided that the responsibility for the act, and the determination whether to force an entry or not, shall rest with the Officer of Customs or Land Revenue only."—*Act XIX.* 1862, *sec.* 2.

Forcible entry into :

3876. No salt found stored in any house or place within the limits of customs jurisdiction mentioned in Section 1 of this Act, not being salt unlawfully manufactured thereat, shall be deemed contraband unless the quantity found shall exceed five seers in weight.—*Act XXXVI.* 1855, *sec.* 5.

What to be deemed contraband salt.

3877. Every search under this Act, whether the result thereof be the seizure of contraband salt or otherwise, shall be reported within forty eight hours by the Officer of Customs or land revenue and by the Officer of Police present at the search to their respective official superiors.—*Ibid, sec.* 8.

Every case of search to be reported to superior Officer.

3878. The purification or refinement of impure salt, obtained in the manufacture of saltpetre, so as to produce alimentary salt, shall be deemed a manufacture of salt within the meaning of this Act, and of Act XIV. 1843.—*Ibid, sec.* 9.

What to be deemed a manufacture of salt.

3879. Articles imported or exported without payment of the duties imposed by this Act or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.—*Act XIV.* 1843, *sec.* 6, *as modified by Act XIV.* 1854.

Penalties for smuggling goods.

3880. The following Rules are prescribed for the guidance of the constabulary in connection with the Officers of the Customs Department.

Rules for guidance of Police constabulary in connection with Custom Officers.

(1.) The Police are to render immediate assistance in encounters with smugglers, whether called upon for assistance or not or whether forcible resistance be actually occuring or anticipated only. (2.) Under Act 36 of 1855 a Customs Officer proceeding to make a search for contraband goods, must be attended by a Police Officer. On a requisition being made for such attendance, the Officer in charge of the station or out post will, should the village be within his circle, proceed himself or depute one of his subordinates to accompany the Customs Officer. If the village is not in his circle, he will, if possible, inform the Customs Officer of the Police Station to which it is attached. (3.) The duty of the Police Officer on such occasion is merely to witness the search and to prevent forcible resistance. He is not to take part

in making the search, but to observe the mode in which search is made and the results thereof. (4) The Police are not to receive charge of or take into their custody, persons accused of smuggling or breach of customs laws, neither are they to forward such persons to the Courts of the Magistracy; but they are bound to give such assistance to the Customs Officers, as may be necessary for the secure custody of such persons, by giving the latter the use of the Police Lock up, or by deputing constables in support of the customs Escort. (5.) The Police are on no pretence to interfere with the Customs Officers in the execution of their duty. If the latter act illegally, or with unwarrantable violence, they are amenable to their own Officers for such misconduct. (6) If Customs Officers are guilty of heinous offences in which arrest is absolutely necessary to prevent escape, *e. g.* of murder, robbery, &c. immediate intimation is to be given to the nearest patrol or other customs Officer that the requirements of the public service may be provided for. (7.) Service of all judicial processes, warrants, or summons will invariably be made through the patrol or Collector of Customs. (8.) Customs patrols and Officers are expected to give similar assistance to the Police in protecting life and property on the customs line.—*C. O. Insp. Gl. of Police, N. W. P. No.* 11, *May 27th*, 1862.

Power of Customs Officers to search

3881. It shall be lawful for all Officers of Customs Department to search any carriages and conveyances, and any packages, upon reasonable grounds of suspicion that such carriages, conveyances, or packages, contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.—*Act XIV.* 1843, *sec* 8.

Seizures to be reported by Collectors to Revenue Commissioner for orders.

3882. Whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue; and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.—*Ibid, sec.* 9.

Customs Officers may apprehend for breach of these laws

3883. It shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose Jurisdiction the offence may occur.—*Ibid, sec.* 10.

Offences cognizable by Magistrate

3884. All Magistrates, or persons exercising the powers of Magistrates, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act; and all sentences passed in pursuance of this Act shall be open to appeal under such rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.—*Ibid, sec.* 12.

All Police and revenue Officers to assist Customs Officer.

3885. All Officers of Police, and all Officers of Government engaged in the collection of the land revenue, are empowered and required to aid and assist the Officer of the Customs Department in the execution of this Act.—*Ibid, sec.* 13.

Local limit of Act

3886. Nothing in this Act contained is to apply or to be deemed to apply to the Saugor and Nerbudda territories or to the District of Ajmere.—*Ibid, sec.* 14.

Certain provisions of Acts 14 of 1843 and 36 of 1855 extended to Oude

3887. So much of Act 14 of 1843 as relates to the manufacture of alimentary salt, and the prevention and punishment of the illicit manufacture and importation of such salt, and Act 36 of 1855 as hereinafter amended, shall be held to have been and are hereby extended to the Province of Oude from the date on which Act 31 of 1861 (to regulate the manufacture of saltpetre and the sale of salt educed in the refinement thereof) was extended to the said province in the manner provided in Section 18 of the said Act.—*Act XIX.* 1862, *sec.* 1.

SECTION XXXII.

Of the Manufacture of Salt and Saltpetre.

3888. From the time when this Act shall come into operation it shall not be lawful for any person in the North Western Provinces of the Presidency of Bengal, or in any other part of the British territories in India to which this Act shall be extended in the manner hereinafter provided, to manufacture or refine saltpetre, or to separate or purify any salt which may be educed in the process of manufacturing or refining saltpetre, except under a licence from the Local Government. The license may be granted either for the manufacture of saltpetre alone, or for the manufacture and refining of saltpetre and the separation and purification of salt educed in the process of such manufacture and refining.—*Act* XXXI. 1861, *sec.* 1.

Unlicensed manufacturing &c. of saltpetre prohibited.

3889. It shall not be lawful for any manufacturer of saltpetre, not being licensed to manufacture and refine saltpetre and to separate and purify the salt educed in the process of the manufacture of saltpetre, to separate any salt from any earth or other substance yielding salt.—*Ibid, sec.* 2.

Unlicensed manufacturer prohibited from separating &c. salt educed in the manufacture of saltpetre.

3890. Every license granted under this act shall have effect for one year from the date of such license, and shall contain the name of the proprietor of the manufactory or manufactory and refinery of saltpetre licensed, and of the locality of such manufactory or refinery.—*Ibid, sec.* 3.

Duration and form of license.

3891. For every license to manufacture saltpetre there shall be charged a fee not exceeding two Rupees, and for every license to manufacture and refine saltpetere and to separate and purify salt in the process of such manufacture and refining, a fee not exceeding one hundred Rupees. The Local Government shall within the limits aforesaid fix the amount of the fee to be paid for such licenses respectively.—*Ibid, sec.* 4.

Fees for licenses.

3892. The salt educed in the process of manufacturing or refining saltpetre by any person licensed to separate and purify salt as aforesaid (whether the same shall be purified or not) shall be liable to the full Government duty on salt in the presidency or place in which such salt is separated, educed, or purified and such duty shall be on or before such salt is removed from the place of manufacture.—*Ibid, sec.* 5.

Salt educed in the manufacture of saltpetre liable to full Government duty.

3893. It shall be lawful for the Local Government to compound, with any person licensed under this act to manufacture and refine saltpetre and to separate and purify salt educed in the process of such manufacturing and refining for the duty payable on the salt estimated to be separated by such person. The composition shall be made for one year only, and may be annually renewed, and shall be in such form, and subject to such provisions and pecuniary penalties as the Local Government shall prescribe. Such provisions and penalties shall be expressed in such license, and the person licensed shall sign a bond embodying such provisions and penalties, and binding him to the fulfilment of all conditions of such license.—*Ibid, sec.* 7.

Composition of duties.

3894. Every manufactory of saltpetre in the N. W. P. licensed under this act, and a space not exceeding one hundred yards around such manufactory, if the manufactory be also a refinery of saltpetre, and not exceeding fifty yards if the manufactory be licensed for the manufacture of saltpetre only, to be fixed by the Local Government under Section III. Act XIV of 1843 (*for regulating the levy of customs duties and the manufacture of salt in the N. W. P. of the Presidency of Bengal*), shall be included in the customs Jurisdiction of the said provinces, and the provisions of the said act XIV, of 1843, and of Act XXXVI. of 1855, (*to empower Officers of*

Manufactories in the N. W. P. to be within custom Jurisdiction Acts 14 of 1843 and 36 of 1855 applicable.

customs and land revenue to search houses and other enclosed Places for contraband salt in the N. W. P.) shall apply to salt manufactured, separated, or purified contrary to the provisions of this act and to such customs Jurisdiction.—*Act* XXXI. 1861, *sec.* 8.

In other parts of India to which this Act is extended, who are to exercise the powers conferred by the above Act on Collectors &c.

3895. In other parts of the British Territories in India to which this act shall be extended in the manner hereinafter provided, the power conferred by the said acts 14 of 1843 and 36 of 1855 on Collectors and other Officers of Customs and Police respectively, may be exercised by the Magistrates and Police Officers (not being under the grade of a Jemadar or Head Officer of a Police Station) in their respective Districts.—*Ibid, sec.* 9.

Local Government may frame rules.

3896. It shall be lawful for the Local Government of the N. W. P. and of any other Presidency or place to which this Act shall be extended as hereinafter provided, to frame rules, which shall not be contrary to the provisions of this Act, for securing the Duty payable on salt separated or purified under licenses to manufacture and refine saltpetre and to separate and purify salt educed in manufacturing and refining the same, for compositions under Section 7 of this Act, and for the removal of salt for which composition has been made, and otherwise to give effect to this Act. Such rules shall be published in the official Gazette of such Local Government, and shall have the same force and effect as if they were contained in this Act.—*Ibid, sec.* 10.

To what substances &c. this Act is applicable.

3897. The provisions of this Act, wherever it may be in force, shall apply to the manufacture of Russee, Sujee, and all other substances manufactured from saline earth, and of Kharree noon, or glauber's salt and every other form of sulphate of soda, and to the works at which any such substance is manufactured.—*Ibid, sec.* 11.

Levy of forfeitures and penalties by distress.

3898. All forfeitures or penalties imposed under the authority of this Act shall be recoverable by any Magistrate of Police, or by the Magistrate or other Officer exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and may, in case of non-payment thereof, be levied by distress and sale of the goods and chattles of the offender, by warrant under the hand of any of the above-named Officers.—*Ibid, sec.* 12.

Cancellation of license and destruction of work of offenders.

3899. When any penalty is awarded for the breach of the conditions of any license under this Act, or aginst the holder of any license for any offence under this Act, the Local Government may cancel such license. The Officer who convicts the offender may also, on the application of the Commissioner of Customs or of the Collector of Customs within whose jurisdiction the offence is committed or other Officer authorised in that behalf by the Local Government, order the works of such offender at which such offence was committed to be destroyed.—*Ibid, sec.* 13.

Procedure until return is made to warrant of distress.

3900. In case any penalty awarded under this Act shall not be forthwith paid, the Officer by whom such penalty is awarded, may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place, and time as shall be appointed for the return of the warrant of distress.—*Ibid, sec.* 14.

Imprisonment if distress not sufficient.

3901. If upon the return of such warrant it shall appear that no sufficient distress can be had where on to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattles whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Ibid, sec.* 15.

3902. If the offender shall be a European British subject the Magistrate shall record the facts, and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.—*Act XXXI.* 1861, *sec.* 16.

Levy of fines from European British subjects.

3903. Nothing in this Act shall be construed to alter or affect the provisions of any other law or Regulation relating to licenses.—*Ibid, sec.* 17.

Act not to affect provisions of other laws relating to licenses.

3904. This Act shall take effect in the N. W. P. on the 1st day of December 1861, and may be extended to any other parts of the British Territories in India, by an order of the Governor General of India in Council to be published in the *Official Gazette.*— *Ibid, sec.* 18.

Commencement and operation of Act.

3905. The following rules framed by the Government of these Provinces for giving effect to Act No. XXXI. of 1861 in the exercise of the authority conferred upon the Local Government by section 10 of the said Act, are published for general information, to have the force of law with effect from the 1st December 1861.—*Govt. Order N. W. P. No.* 247*A*, *Novr.* 15*th*, 1861.

Rules to give effect to Act 31 of 1861.

3906. For giving effect to the provisions of Act 31 and to such Rules as the Government of the Noth Western Provinces shall from time to time determine, there shall be appointed an Officer styled the Deputy Commissioner of Customs, who, in subordination to the Commissioner of Customs, shall be entrusted with the general supervision of the arrangement for giving effect to the Act. Subordinate to this Officer shall be such Inspectors or Deputy Inspectors, Superintendents and other Officers of Customs as the Lieutenant-Governor with the sanction of the Governor General in Council shall be pleased to appoint.—*Ibid, rule* 1.

Appointment of Deputy Commissioner.

Inspectors and other subordinate Officers.

3907. All existing Establishments for the suppression of the illicit manufacture of salt throughout the North Western Provinces in which the Act is introduced, shall form part of the establishment of the Deputy Commissioner and shall be remodelled as may be found expedient.—*Ibid, rule* 2.

Existing establishments for suppression of illicit salt placed under Deputy Commissioner.

3908. It shall be the duty of the Deputy Commissioner, and of the Inspectors, and Deputy Inspectors subordinate to him, to issue licenses, and receive all fees, duties, or other sums payable under the provisions of the Act, or under the Rules for giving effect thereto, to supervise all factories licensed under the Act, to suppress the illicit manufacture of alimentary salt from saliferous earth or brine, natural or artificial, under the provisions of Acts XIV. of 1843 and XXXVI. of 1855, and to apprehend and commit for trial, by the Magisterial authorities of the District within which the offence may have been committed, all persons who may act in contravention of any of the above acts.—*Ibid, rule* 3

Deputy Commissioner Inspectors and Deputy Inspectors to issue licenses, &c

3909. The grades of Inspectors and Deputy Inspectors instituted under the Rules, are respectively equivalent to those of Patrol and Assistant Patrol, and such Officers are consequently competent to search dwelling-houses and similar enclosed places, under Act 36 of 1855.—*Ibid, rule* 4.

Grade and powers of Inspectors and Deputy Inspectors

3910. Every Superintendent of Customs appointed under these Rules shall be vested with the powers of an Assistant Patrol, under Act 36 of 1855.—*Ibid, rule* 5.

Of Superintendent of Customs.

3911. The Deputy Commissioner of Customs, subject to approval of the Commissioner of Customs, shall assign to each Inspector, or Deputy Inspector, the charge of certain Districts, and shall, with the sanction of the Commissioner, be competent to extend, reduce or otherwise modify as the exigencies of the service may require, the jurisdiction of any subordinate Officer.—*Ibid, rule* 6.

Deputy Commissioner to fix and modify Jurisdiction of his subordinates.

3912. Where an Inspector or Deputy Inspector may have charge of more than one District, one or more of such Districts may be entrusted to an Officer of the grade of Superintendent, who, the selection being confirmed by the Deputy Commissioner, shall be competent to exercise all functions which under the Act or these Rules, may be performed by an Inspector or Deputy Inspector. But the Inspector or Deputy Inspector to whom such Superintendent is subordinate, will not be thereby relieved from responsibility for the general administration of such Districts. It will be his duty by frequent personal visits and by, from time to time, exchanging jurisdiction with the Superintendent, to satisfy himself of the integrity and efficiency of the subordinate administration.—*Ibid, rule* 7.

Arrangement to be made if more than one District be assigned to Inspector or Deputy Inspector.

Concurrent jurisdiction of certain Officers.

3913. Any Officer of Customs, invested with the powers of a Deputy Inspector, shall be competent in case of necessity, to exercise the general authority entrusted to him in any District within the North Western Provinces, adjacent to his own jurisdiction.—*G O. N. W. P. No. 247A, Nov. 15th,* 1861, *rule* 8.

Police to assist.

3914. The existing Police and Revenue establishments are empowered and required to aid, in such manner as is hereafter set forth, in giving effect to the act and to these Rules.—*Ibid, rule* 9.

Issue of licenses to manufacture crude saltpetre or to manufacture and refine saltpetre and purify salt.

3915. Licenses to manufacture crude saltpetre, or to manufacture and refine saltpetre, and separate and purify alimentary salt, shall, in the first instance, issue to Officers of Customs in charge of Districts from the Office of the Deputy Commissioner of Customs, and shall be signed by him and sealed with the seal of his Office. On issue to any manufacturer or refiner, each license shall, on the reverse, be countersigned and sealed by the Officer of Customs in charge of the District in which such manufacturer or refiner resides ; and the said Officer shall insert all necessary particulars :—*Ibid, rule* 10.

Form of license to manufacture crude saltpetre &c.

3916. The following shall be the form of license to manufacture crude saltpetre or substances named in Section 11, of the Act. It shall be printed in thePersian character

License to manufacture crude saltpetre, &c.

Name, caste and parentage of owner of factory and of his partners.	Village in which the factory is situated. Name of land holder, Pergunnah and Zillah.	Nature of the substance to be manufactured, *i e* crude saltpetre *Khawe noon, rus see sujee*, &c.	Mode of manufacture.	Proximate quantity of the substance to be manufactured within one year.	Number of boilers or beds.	Date, month and year up to which the license will be current.	Amount of license fee.	Remarks.

To be endorsed. Issued from the Officer of the Inspector or Deputy Inspector of on the of 186 and signed and sealed by that Officer.—*Ibid, rule* 11.

Form of license to manufacture and refine saltpetre and purify salt.

3917. The following shall be the form of License to manufacture and refine Saltpetre and separate and purify the salt there from produced. It shall be printed in the English and Persian characters.

License to Manufacture and refine Saltpetre and to separate and purify Salt educed therefrom.

Village in which the factory is situated Name of land-holder Pergunah Zillah.	Name, caste and parentage of ownerof factory & of his partners and of the agent if any in charge.	Number of Boilers worked.	Proximate quality of saltpetre to be refined.	Date month and year up to which the license will be current.	Amount of license fee.	Remarks.

Deputy Commissioner of Customs N. W. P.

To be endorsed as the license to manufacture crude saltpetre.—*Ibid, rule* 12.

3918. The currency of licenses granted under the Act expires on the 1st December in each year, but thirty days of grace will be allowed for their renewal. All factories found working without renewed license after the 1st of January, in each year, shall be liable to all the penalties prescribed by the Act—*Govt. Order N. W. P. No.* 247*A*, *Nov.* 15*th*, 1861, *rule* 18. Date of expiry of license.

3919. Any person desirous of obtaining a license under the provisions of the Act, shall apply personally or in writing to the Officer of Customs in charge of the District, who will issue the license on payment of the prescribed fee.—*Ibid, rule* 14. Application for license.

3920. The undermentioned sums shall, until the Government of the North Western Provinces may order otherwise, be payable for licenses under the Act. For licenses to manufacture crude saltpetre and substances named in Section 11 of the Act, an annual fee of 2 Rupees. For licenses to manufacture and refine saltpetre and to separate and purify salt educed therefrom an annual sum of 10 Rupees.—*Ibid, rule* 15. Fees for whole year.

3921. But if between the 1st December in one year and 30th November, in the following year, any person may desire to take out a license for such portion of the year as may remain unexpired, fees shall be taken for such licenses according to the following scale : Fees for portion of a year.

Periods of more than six months to be reckoned as a full year.

Periods of more than three and not more than six months to be reckoned as half a year.

Periods of three months and less to be reckoned as a quarter of a year.—*Ibid, rule* 16,

3922. Every Officer of Customs in charge of one or more Districts shall keep two separate Registers in one of which (A) shall be entered exact copies of all licenses for the manufacture of crude saltpetre and the other substances named in Section 11 of the Act and in the other (B) copies of all licenses for the manufacture and refining of saltpetre, and the separation and purification of alimentary salt. General Registers for the North Western Provinces shall be kept in the Office of the Deputy Commissioner.—*Ibid, rule* 17. Registers A and B.

3923. At the expiry of the term fixed for the currency of licenses every manufacturer of crude or refined saltpetre, previous to being furnished with a fresh license, shall be required to deposit his old license which shall then be cancelled, a note being made opposite to the original entry in the Register, of the date on which every such licenses is cancelled. All cancelled licenses shall be defaced, and whenever convenient may be disposed of as waste records, in accordance with established usage.—*Ibid, rule* 18. Expired licenses to be returned and cancelled.

3924. One license protects only the manufactory or refinery for which it is specially issued. The owner of more than one manufactory or refinery must take out a license for each. This will apply to two factories the property of one owner situate in different portions of one village.—*Ibid, rule* 19. Separate licenses for each factory

3925. All works licensed under the Act, shall be open at all times to visit by any Officer of Customs not being of lower rank than that of Jemadar and every owner of any such work shall exhibit his license on being called on by any Officer of the Department, or by any Magistrate.—*Ibid, rule* 20. Production of license when called for.

3926. Every Officer of Customs of the rank of Inspector or Deputy Inspector, or exercising their functions who may depute any Officer of his establishment of lower rank than that of Superintendent to visit and inspect factories licensed under the Act shall furnish him with written authority to do so under his Official seal and signature.—*Govt. Order W. P. No.* 247*A*, *Nov.* 15*th*, 1861, *rule* 21. Subordinates deputed to visit factories to be furnished with written authority.

3927. Any owner of any factory licensed under the Act, who may refuse to exhibit his license, when called on by any such Officer or by any Magistrate, shall be liable for each offence, to a fine of not more than ten Rupees, in the case of a factory for the manufacture of crude saltpetre, or other substances mentioned in Section 11 of the Act, and of not more than fifty Rupees in the case of a factory licensed to manufacture and refine saltpetre and separate and purify salt. Any Officer of Customs of the rank of Deputy Inspector shall be competent to impose such fines, subject to appeal to the Deputy Commissioner of Customs. If the fines be not paid within one month from the date of the final order suspension of license shall follow, and continue until the fine be realized. Fines levied under this Rule shall be credited to Government.—*Ibid, rule* 22. Fines for non-production of license.

3928. The Deputy Commissioner of Customs, on report from any Local Officer of Customs, and subject to an Appeal to the Commissioner of Revenue of the Division, may refuse to grant a license for the manufacture and refining of Saltpetre and the separation and purification of salt whenever such refusal may appear to him advisable.—*Govt. Order W. P. No. 267A, Dec. 4, 1862, rule 22A.*

Circumstances under which license can be refused.

3929. Any Officer of Customs in charge of a District may refuse to issue a license for the manufacture of crude saltpetre, or other substances named in Section 11 of the Act whenever it may appear to him that the annual out-turn of such factory will be less than five maunds or whenever the immediate neighbourhood of tracts yielding pure alimentary salt may afford just ground for suspicion that the production of such salt is the real object of the applicant. Every such refusal shall, within twenty-four hours, be reported to the Deputy Commissioner, and if upheld by him be open to appeal to the Commissioner of the Division whose award shall be final.—*Ibid, No. 247A, Nov. 15 1861, rule 23.*

Change of locality or of Agent to be notified to Customs Officer.

3930. Whenever the owner of any manufactory or refinery licensed under the Act shall, within the period for which his license is current, desire to change the locality of his manufactory or refinery, or whenever the owner of any refinery entrusted to any Agent shall desire to change or remove such Agent he shall give information to the Customs Officer in charge of the District, who will note such changes in his Register, and on the applicant's license. Such notification shall, in case of change of locality, precede removal, and in case of change or removal of Agent, be made within twenty-four hours of such change or removal being effected, and failure to comply with these provisions shall be held to nullify the license. All such changes shall be communicated at once to the Office of the Deputy Commissioner for rectification of the General Registers.—*Ibid, rule 24.*

Renewal of licen-

3931. Licenses lost or destroyed are renewable for the unexpired portion of the original currency, on application to the Customs Officer of the District, and on payment of one quarter of the fee for an original license. All such renewals shall be noted in the District and General Registers, and the quarter fees shall be carried to credit as shall be provided for fees on original licenses.—*Ibid, rule 25.*

3932. No license to manufacture crude saltpetre shall suffice to protect any factory in which saltpetre is subjected to a secondary or refining process, whether in such factory the alimentary salt be separated and purified or not.—*Ibid, rule 26.*

What constitutes separation of salt.

3933. To constitute a separation of salt within the meaning of the Act, it shall be necessary that the salt be actually set apart from the substance for the manufacture of which the factory is licensed. The spontaneous production of salt in any factory licensed for the manufacture of crude saltpetre or any of the substances named in Section 11 of the Act shall not render the owner liable to penalty so long as such salt is kept in admixture with the subtance which the factory is licensed to produce.—*Ibid, rule 27.*

Mode of examination of salt.

3934. Whenever any question may arise as to whether salt found in a factory licensed under the Act to manufacture crude saltpetre or other substance named in Section 11 be the produce of such factory, or of such processes, a sample of the salt shall be forwarded to the Customs Officer of the District thorough the Deputy Commissioner or by the Magisterial Authority direct to the Customs analyst, whose opinion shall be decisive.—*Govt. Order W. P. No. 247A, Nov. 15, 1861, rule 28.*

Sale of salt by public auction.

3935. Whenever salt may be found in a separate state in any factory licensed to manufacture crude saltpetre or other substances named in Section 11; such salt, after conviction of the owner before a Magistrate, may by order of the Deputy Commissioner of Customs, be sold by Public Auction, or if such salt be too impure for sale, or being offered for sale realize less than the departmental, minimum price it shall be destroyed in such manner as the Deputy Commissioner shall direct.—*Ibid, rule 29,*

What salt liable to confiscation.

3936. Salt, the produce of a factory licensed to manufacture crude saltpetre or other substances named in Section 11 of the Act, shall whenever found in the possession of any person in quantities exceeding one seer and within the distance specified in Section 8 of the Act of fifty yards from the factory be liable to confiscation and sale, but the person in whose possession such salt is found shall not be amenable to other penalty unless the salt be in excess of five seers, in which case such person shall be liable to the penalties prescribed by Act XIV. of 1843.—*Ibid, rule 30.*

3937. Salt the produce of any factory licensed to refine saltpetre and separate and purify salt if found beyond the precincts of the factory and within the distance of one hundred yards specified in Section 8 of the Act, uncovered by a pass (see Rule 49) shall be liable to confiscation and sale If such salt be in excess of five seers the person in whose possession it is found shall be liable to the penalties provided by Act XIV of 1843 —*Ibid, rule* 31

3938 The proceeds of such auction sales shall after deduction of all incidental expences be the perquisite of these concerned in the seizure in accordance with rule 67 —*Ibid, rule* 32 Appropriation of proceeds

3939 If at any factory licensed to refine saltpetre and separate and purify alimentary salt, there may at any time be produced salt too impure to remunerate the owner for purification, such owner may send samples to the Customs Officer in charge of the District, who, after convincing himself of the impurity of the substance in question, may order it to be remixed with the earth or crude saltpetre of the factory as the owner may prefer Such remixture shall take place in presence of the Mooshriff attached under Rule 36 to the factory who shall report accordingly to his superior All cases of the kind shall be reported as they occur to the Deputy Commissioner —*Ibid, rule* 33 Mode of procedure if the salt produced be too impure

3940 Any Officer of Customs exercising the powers of a Deputy Inspector, may order the arrest and transmission to the District Criminal Court of any person or persons who may act in contravention of the provisions of Act 31 of 1861, or of Act 14 of 1843, and any Magistrate may, on the requisition of any Customs Officer, summon any such person or persons for trial on such charges If any owner of a work licensed under Act 31 of 1861 when summoned as above, shall fail to appear or shall abscond from arrest of an Officer of Customs, the license of such factory shall be cancelled, and further working under it shall be held to be unlawful —*Govt Ord W P No* 201*A*, *Sept* 11, 1862, *rule* 34 Procedure respecting person contravening the provisions of Act 31 of 1861 and 14 of 1843

3941 If any Officer of Customs employed under these Rules shall in the execution of his duty meet with resistance from any person or persons, or shall have reason to apprehend such resistance, he may call on the nearest Magistrate or Officer of Police for assistance and all Magistrates and Officers of Police are empowered and required to afford such assistance —*Govt Order W P. No* 247*A*, *Nov* 15, 1861, *rule* 35 How Customs Officer is to act if he apprehends resistance or be resisted

3942 For the immediate supervision of refineries and for maintaining a check over the salt therein produced, shall be appointed a sufficient number of Officers to be styled Mooshriffs In each factory licensed to refine saltpetre and separate and purify salt shall be stationed an Officer of this grade— *Ibid, rule* 36 Appointment of Mooshriffs

3943 Every Mooshriff shall remain on the premises of the factory to which he is attached from sunrise in the morning until night fall —*Ibid, rule* 37

3944 Every owner of a factory licensed to refine saltpetre and separate and purify salt, shall provide, on the premises, a godown capable of being secured under lock and key The key of this godown shall remain in possession of the Mooshriff attached to the factory Locks of English manufacture will for this purpose be provided by the state and the Mooshriffs held responsible for their safe keeping and serviceable condition In addition to the Government lock the owner of the refinery may at night affix a lock of his own the key of which may remain in his own keeping in the bonded godown — *Govt Order W P No* 247*A*, *Nov* 15, 1861, *rule* 38. Owners to provide godown

3945 The Deputy Collector shall suspend the working of any factory the owner of which shall neglect to conform to Rule 38, and such suspension shall continue until a Godown is provided —*Govt Ord W P No* 102*A* *May* 14, 1862, *rule* 38*A*

3946 It is the duty of the Mooshriff to see that all salt separated in the refinery to which he is attached is deposited in the bonded godown to which between sunrise and night fall, the owner or Agent of the factory has in person or through his servants, and under the supervision of the Mooshriff, right of excess, for all purposes of purification of the salt stored therein The Mooshriff will prevent the removal from the godown of any salt until after payment of duty, written permission for its removal has been issued by the Officer of Customs appointed to the District —*Govt Order W P No* 247*A*, *Nov* 15, 1861, *rule* 39 All salt separated is to be deposited in the godown

Mooshriff's to report if salt be not separated any day

3947. Every Mooshriff shall report to his immediate superior whenever from any cause such as stoppage of work &c. no salt shall any one day have been separated in the refinery to which he is posted.—*Ibid, rule* 40.

When bonded godown is full.

3948. The Mooshriff shall report to his immediate superior whenever the bonded godown of the factory to which he is attached shall be so full as the cause inconvenience in storing the salt produced in ordinary course of manufacture.—*Ibid, rule* 41.

Levy of duty on salt separated and removal of the salt.

3949. Once in every three months or more frequently, as in individual cases may be found necessary, or as often as a Mooshriff may report as provided in Rule 41 every Officers of Customs in charge of a District will visit his refineries, weigh the salt contained in the bonded godown and deducting 5 per cent for dryage, receive the Government duty due from the owners. He will then issue to the Mooshriff a written remission for the clearance of the bonded godown, the owner being at liberty to store the salt on which duty has been paid in any other portion of his premises, and to dispose of it at his leisure wholesale or retail as he may prefer.—*Ibid, rule* 42.

Allowance for dryage.

3950. The allowance of 5 per cent. for dryage is a temporary provision, which may hereafter be modified as the Government, on representation from the Department of Customs, may see fit.—*Ibid, rule* 43.

Remission of duty on salt for saltpetre imported accross the Customs line.

3951. Credit is allowed to owners of refineries for duty paid on salt in excess of 20 per cent contained in crude saltpetre, imported across the Customs line, and Officers of Customs in charge of Districts are empowered when collecting duty, to make allowance for sums represented by Rowanahs certifying payment of duty on such salt when produced by owners of refineries, and to deduct such sums from the duty payable. The Rowanahs are to be retained and sent with the month's account of collections to the Office of the Deputy Commissioner.—*Ibid, rule* 44.

3952. On every clearance of a bonded godown the unsold salt, if any remaining in unbonded store from the preceding clearance, shall be carefully weighed and noted by the Officer collecting duty.—*Ibid, rule* 45.

Duty of Mooshriffs.

3953. The Mooshriffs are charged with the supervision of all sales of salt in the refineries to which they are posted. They will see weighed every quantity however small disposed of during the day, and will enter each sale in a book kept for the purpose. Each days account is to be added up, closed with the Mooshriff's seal and signature, and a duplicate forwarded to the Officer of Customs in charge of the District Owners of refineries or their agents in charge are required daily to confirm by their signature in the Mooshriff's book of sales, and on the duplicate forwarded to the superior Officer the accuracy of the daily enteries.—*Ibid, rule* 46.

Procedure if owner or agent refuse to countersign the daily sale account of the Mooshriffs.

3954. If any owner or agent in charge of a refinery shall refuse or neglect to countersign the daily sale accounts of the Mooshriff, the latter shall immediately report to the Officer of Customs in charge of the District who, for simple neglect on the part of such owner or agent, may after a first warning in writing impose a fine of not more than one rupee for each offence. If the owner or agent shall refuse to countersign the Mooshriff's daily sale accounts, the District Officer of Customs, shall at once proceed to the refinery, and enquire into the cause of such refusal. If any malpractice be in course of such enquiry proved against the Mooshriff, he shall be reported to the Deputy Commissioner for fine or other punishment, but if on due investigation no valid cause be found to exist for such refusal by the owner or agent in charge of the refinery, the license of the refinery may be suspended by the Deputy Commissioner as long as the owner or agent may refuse to conform to rule 46. Fines levied under this Rule shall be credited to Government —*Govt. Order W. P. No.* 247*A*, *Nov.* 15, 1861, *rule* 47.

Salt not to be sold except in certain hours before Mooshriffs.

3955. No salt shall in any factory or refinery licensed under the Act be sold to any purchaser except while the Mooshriff is on the premises, or before sunrise, or after sunset. The Mooshriffs are to enforce this Rule and will report to their superior every occasion on which it is infringed. For breach of this Rule the Deputy Commissioner may inflict a fine not exceeding 5 Rupees and may suspend the license of any factory for not longer than one week for each offence. Sums levied as fines under this Rule shall be the perquisite of the Mooshriff on whose report they are imposed.—*Ibid, rule* 48.

3956. For the protection of purchasers of salt, each Mooshriff shall be furnished with as sufficient number of passes which shall be on colored paper in the subjoined form.* One of these shall be given to each purchaser who can demand it is a right, dated and signed by the Mooshriff and it shall protect the salt and its purchaser from all question while in transit within the limits of the Custom Jurisdiction as defined in Section 8 of the Act, but not beyond the day on which it is issued.—*Ibid, rule* 49.

Pass to purchasers.

* *Pass moafee babat nimuk tarikh fulan sun fulan dust khut Mooshriff.*

3957. Officers of Customs in charge of Districts, shall keep separate accounts for each refinery in their jurisdiction. In these shall daily be entered the amount of salt sales reported by the Mooshriffs whose daily returns must be carefully filed. At the end of each cleandar month the total sold shall be added up and the month's account closed under the signature of the Officer in charge. Accuracy of these accounts is essential and the greatest attention must be devoted to them.—*Ibid, rule* 50.

Separate accounts to be kept for each refinery by District Custom Office.

3958. Officers of Customs in charge of Districts may at any time visit the refineries within their Jurisdiction and weigh the quantity of salts in unbonded store. The sale returns of the Mooshriff shall then be examined and their total deducted from the total of the quantity last released from bond, to which will be added any surplus of duty paid as ascertained under Rule 45 to have been on the premises unsold on the last clearance of the bonded godown. If any excess be discovered the same shall not be questioned if not above 5 per cent on the quantity which should be in unbonded store. If above 5 per cent but not in excess of 15 per cent single duty shall be levied on the quantity in excess of 5 per cent. If the surplus exceed 15 per cent double duty shall be levied on the whole excess.—*Ibid, rule* 51.

District Customs Officers to visit refineries, examine sale accounts &c.

3959. Officers of Customs in charge of Districts may at any time depute under their official seal and signature any Officer of their establishments not being of lower rank than that of Kotegusht or 1st class Jemader, to examine and weigh unbonded salt in refineries, and they are required by frequent visits in person whenever practicable, and through their subordinates to maintain a check on the sale of salt in refineries and on the accounts of their Mooshriffs.—*Ibid, rule* 52.

Deputation of subordinate Officers for above purposes.

3960. Excess discovered by Officers so deputed shall be liable to duty in accordance with Rule 51, but if the excess be above 15 percent the owner of the factory may appeal to the Officer in charge of the District and claim that the salt be reweighed in presence of such Officer.—*Ibid, rule* 53.

If excess be discovered by such Officers.

3961. Whenever any dispute of this nature shall arise, the salt in question shall remain under the attachment of the Customs Officers on the premises of the factory until the Officer of Customs in charge of the District shall arrive. Weighment by such Officer whether original or in decision of a dispute shall in all cases be final and shall be open to no appeal.—*Ibid, rule* 54.

Attachment of salt till decision of dispute.

3962. Whenever any owner or agent in charge of a factory licensed under the Act shall fail within twelve hours of weighment to pay any single or double duties due under Rule 42 or 51, the Officer of Customs in charge of District shall suspend the license of the factory, reporting within twelve hours of such suspension to the Deputy Commissioner.—*Ibid, rule* 55.

Failure to pay duty.

3963. Whenever any Officer of Customs of lower rank than that of Deputy Inspector deputed under Rule 52 to weigh unbonded salt in any refinery shall discover an excess of more than 15 percent such Officer and any of the inferior grade associated with him in the examination shall be entitled to receive a moiety of the double duty imposed.—*Ibid, rule* 56.

Subordinate Officer &c. to receive half of double duty imposed.

3964. An excess of more than 5 percent on the quantity of salt which should be in unbonded store in any refinery shall subject the Mooshriff in charge to such penalty of fine, suspension or dismissal as the Deputy Commissioner subject to appeal to the Commissioner of Customs shall determine. —*Govt. Order W. P. No.* 247*A*, *Nov.* 15, 1861, *rule* 57.

Punishment of Mooshriff if unbonded salt exceed 5 per cent.

3965. If after the examination of salt in unbonded store under Rule 51 and 52 there be discovered a deficiency in the quantity which should remain on comparison with the Mooshriff's sale accounts, such deficiency shall upto 5 per cent not be questioned. If above 5 per cent but not more than 15 per cent such deficiency shall subject the Mooshriff to such penalty as the Deputy Commissioner may award on report from the Customs Officer in charge of the District. If the deficiency extend to 25 per cent.

Procedure in case of discovery of a deficiency.

the Mooshriff shall be dismissed from the service. For a deficiency of 25 per cent the Deputy Commissioner of Customs may suspend the license of the refinery for any period not exceeding one month.—*Ibid, rule* 58.

Procedure if duty be not paid within specified time.

3966. Whenever under Rule 55 the license of any factory has been suspended for nonpayment of duty, the Deputy Commissioner shall, if all sums due up to the date of suspension be not paid within 15 days of such suspension report to the Commissioner of Customs, who, subject to appeal to the Sudder Board of Revenue, may at once under Section 13 of the Act, cancel such license, or fix any future date within six weeks from the date of suspension by the District Officer of Customs, on which, failing payment, such license shall be cancelled.—*Ibid, rule* 59.

Location of peons &c.

3967. Whenever under these rules, it shall be necessary to suspend the license of a factory, it shall be lawful for the suspending Officer to station on the premises one or more peons or other subordinates, to enforce such stoppage.—*Ibid, rule* 60.

Payment of duties &c. to nearest District or Pergunnah Treasury.

3968. All sums receivable by Officers of Customs under the provisions of the Act or these rules are payable into the nearest District or Pergunnah Treasury, and all Officers in charge of such Treasuries are empowered and required to receive from Officers of Customs all sums which the latter may tender as duty, fees, fines, proceeds of auction sales, &c., and to grant receipts specifying in the amounts paid and on what account.—*Ibid, rule* 61.

3969. Officers of Customs in tendering payments of money at Treasuries are to be minute in stating the head under which they are to be credited and should be careful to see that all particulars are duly entered in the receipts granted.—*Ibid, rule* 62.

Account Current with district Treasury.

3970. Officers in charge of District Treasuries are to keep an Account Current with the Department of Customs for all such sums, and will at the end of each calendar month furnish to the Deputy Commissioner an account there of specifying the totals under each separate head.—*Ibid, rule* 63.

3971. Officers of Customs in charge of Districts are personally responsible for all sums receivable by them until the same are safely deposited in the nearest Treasury. No excuse of dishonesty of subordinates will be admitted in case of loss.—*Ibid, rule.*

Reward.

3972. For every person convicted under Rules 30 and 31 a sum of one Rupee shall be paid to the seizers.—*Ibid, rule* 65.

3973. One eighth of all fines levied under section 6 of the Act or for breach of the provisions of section 4 of Act XIV. of 1843 shall be the perquisite of the seizers whether such fines shall be realized or not. No Officer of Customs above the rank of Superintendent shall participate in any sums payable as prize money under these Rules, Bills for the eighth part of fines shall be drawn and submitted for audit in accordance with the Rules hitherto in force.—*Ibid, rule* 66.

Division of Prize money.

3974. One half of all sums payable as prize money shall be the perquisite of the informer where special information may have been given by any person not on the Establishment, the division of prize money among the Customs Establishment shall be as follows viz. one-fourth the whole sum divisible shall be paid to the Superintendent whenever an Officer of that grade is in charge of a District except in cases specially provided for in rules 48 and 56, the remainder to be rateably divided in proportion to salaries.—*Ibid, rule* 67.

Land-holders, &c. to satisfy that owners of manufactories possess the necessary license.

Penalty for nonconformation to this rule.

3975. Land-holders and their resident agents are required to satisfy themselves that the owner of any factory for the manufacture of Crude saltpetre or other substance named in Section 11 of the Act, and for the refining of saltpetre and for the separation and purification of salt which may be established on their Estate is in possession of an unexpired license. They are further required to report at once to the nearest Revenue or Police or Customs authority any case in which they may discover on their estate any such factory working without a current license. Failure to observe this Rule shall subject any land-holder or his resident agent to the penalties of Section 4, Act XIV. of 1843, where the land-holder is non-resident his Local Agent shall alone, be held responsible for observance of this Rule. —*Govt. Order W. P. No.* 247*A*, *Nov.* 15, 1861, *rule* 68.

3976. All subordinates of the land Revenue Department and of the Police, all Putwarees and canoongoes are likewise required to report the existence of any unlicensed factory within their respective limits. Officers of not lower rank than Naib Tehseeldar and Constable will report direct to the Customs Officer of the District. Officials of inferior grade will report to their own immediate superior who will communicate with the District Officer of Customs.—*Ibid, rule* 69.

Subordinate revenue and Police Officers to report existence of unlicensed factory.

3977. Whenever under these Rules any fine shall be inflicted by any District Officer of Customs, or by the Deputy Commissioner, on any owners or agents in charge of a factory licensed under the Act, and such owner or his agent shall desire to appeal to the Commissioners of division, such appeal shall be made within one month of the issue of the order, failing which the appeal shall not be received.—*Ibid, rule* 70.

Appeal to Commissioner of division.

3978. Fines leviable under these Rules and divisable among the Customs Establishment shall not be divided until the lapse of two months from the date of levy, to allow time for appeal to the Commissioner of the division and for the receipt of his final order.—*Ibid, rule* 71.

Time when fines are to be divided.

3979. The maund/weight mentioned in the Act in these Rules shall be the Government maund of eighty sicca weight to the seer, and all calculation, of duty, &c. shall be made respectively to this maund.—*Ibid, rule* 72.

3980. All general Rules of the Department of Customs will, in cases not herein provided for, apply to such Officers of the Department as are specially employed under the Act and these Rules.—*Ibid, rule* 73.

3981. The Government reserves the right of adding to or modifying these Rules.—*Ibid, rule* 74.

SECTION XXXIII.

OF SLAVERY.

3982. The importation of slaves whether by land or by sea into the places immediately dependent on the Presidency of Fort William, is strictly prohibited; and any person infringing this prohibition is liable to be prosecuted and punished for the offence by the Courts of Criminal Judicature.—*Reg. X.* 1811, *sec.* 2.

Importation of slaves is a penal offence.

3983. Persons imported as slaves into the British Territories are liable to be discharged, or sent back to their friends and connections in the country from which they have been imported, according as it appears most advisable to the Magistrate by whom the decision on the case is passed.—*Reg.* X. 1811, *sec.* 4.

Disposal of persons imported as slaves.

3984. All slaves who subsequently to the enactment of the above provisions have been or may hereafter be removed by sea or land for purposes of traffic from any country, territory, or province, British or foreign, into any province now dependent, or that may become hereafter dependent on the Presidency of Fort William, subsequently to the date on which it has or may become so dependent; or who have been or may be so removed from one province that now is or may hereafter become dependent, subsequently to the dates on which they respectively have or may become dependent; are hereby declared free.—*Reg. III.* 1832, *sec.* 2, *cl.* 1.

All slaves imported into a British province from any British or foreign Province are declared free.

3985. No public Officer is in execution of any decree or order of Court, or for the enforcement of any demand of rent or revenue, to sell or cause to be sold any person, or the right to the compulsary labor or services of any person, on the ground that such person is in a state of slavery.—*Act V.* 1843, *sec.* 1.

Public Officers not to sell persons or the right to their services.

The right to slaves not to be enforced by the Courts.

3986. No rights arising out of an alleged property in the person and services of another as a slave are to be enforced by any civil or criminal Court or Magistrate within the British Territories in India.—*Ibid, sec.* 2.

The right to property remains the same though the owner &c. was a slave.

3987. No person who has acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, is to be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property has been derived was a slave.—*Ibid, sec.* 3.

3988. Any act which would be a penal offence if done to a free man is equally an offence if done, to any person on the pretext of his being in a condition of slavery.—*Ibid, sec.* 4.

3989. Under this section it was ruled, that an attempt to sell a slave by one not her owner, is a punishable offence.—*Reports L. P.* 1852, *part* 2, *page* 281.

SECTION XXXIV.

OF STAGE CARRIAGES.

Definition of stage carriges.

3990. Every carrige drawn by one or more horses, which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in British India, shall, without regard to the form or construction of such carriage be deemed to be a stage carriage within the meaning of this Act. Provided that this Act shall not apply to carriages not ordinarily used for journies of a greater distance than twenty miles.—*Act XVI.* 1861, *sec.* 1.

Grant of license.

3991. No carriage shall be used as a stage carriage unless licensed by a Magistrate or by the Chief Commissioner of Police of a presidency town.—*Ibid, sec.* 2.

Refusal of license.

Particulars of license.

3992. The Magistrate or Chief Commissioner of Police, to whom the application for a license of a stage carriage is made, may refuse to license the same, if he shall be of opinion that such stage carriage is unserviceable or is unsafe or unfit for public accommodation or use. If a Magistrate or Chief Commissioner of Police as aforesaid shall grant a license, the license shall set forth the number thereof, the name and residence of the proprietor of the stage carriage, the place at which his head Office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.—*Ibid, sec.* 3.

Charge for and duration of license.

3993. For every such license there shall be paid by the proprietor of the stage carriage the sum of 5 rupees and such license shall be in force for one year from the date thereof. When a licensed stage carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor without any further payment for that year, and every person who appears by the license to be the proprietor, shall be deemed to be such proprietor for all the purposes of this Act—*Act XVI.* 1861, *sec.* 4.

Number of license, &c. to be painted.

3994. On any stage carriage, being licensed, the proprietor thereof shall cause the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous part of such stage carriage.—*Ibid, sec.* 5.

3995. Any Magistrate or Chief Commissioner of Police within the local limits of whose jurisdiction any stage carriage shall ply or who has granted the license of any stage carriage, may cancel the license of such stage carriage if it shall appear to him that such stage carriage or any horse or any harness used with such carriage is unserviceable or unsafe or otherwise unfit for public accomodation or use.—*Ibid, sec.* 10. Revocation of license.

3996. In any station or place in which a Magistrate shall reside and be, any Police Officer may in any place within two miles of the Office of such Magistrate, seize any stage carriage with the Horse harnessed thereto, if the full particulars of the license of such stage carriage be not distinctly painted on such stage carriage in the manner provided in Section V. of this Act. Such carriage with the horse harnessed thereto shall be taken without delay by such Police Officer before such Magistrate who shall forthwith proceed to bear and determine the complaint of such Police Officer; and if thereupon any fine is imposed by such Magistrate and such fine is paid, such stage carriage and horse shall be immediately released, and if such fine be not paid such stage carriage and horse may be detained for twenty days as security for the payment thereof, and if the fine be not sooner paid, they may be sold and the proceeds applied (so far as they extend) to the payment of the said fine and all costs and charges incurred on account of the detention and sale; and the surplus (if any) when claimed shall be paid to the proprietor of such carriage and horse; and if such surplus be not claimed within a further period of two months from such sale the same shall be forfeited to the state. If the proceeds of such sale do not fully pay the fine and costs and charges aforesaid the balance may be recovered as hereinafter provided.—*Ibid, sec.* 11. Penalty for not conforming to provisions of sec. 5.

3997. Whenever the driver of any stage carriage or the owner of any horse employed in drawing any stage carriage, shall have committed any Office against this Act for the commission whereof any penalty is by this Act imposed other than an Offence specified in Sec. 13, and such driver or owner shall not be known, or being known cannot be found, or if the penalty cannot be recovered from such driver or owner, the proprietor of such carriage shall be liable to every such penalty as if he had been the driver of such carriage or owner of such horse at the time when such offence was committed. Provided that, if any such proprietor shall make out, to the satisfaction of the Magistrate before whom any complaint or information shall be heard by sufficient evidence that the offence was committed by such driver or owner without the privity or knowledge of such proprietor, and that no profit, advantage or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or owner, and has done all that was in his power to recover the amount of the penalty from him, the Magistrate may discharge the proprietor from such penalty and shall levy the same upon such driver or owner when found.—*Ibid, sec.* 13. Penalty in certain cases recoverable from proprietor. Proviso.

3998. Whenever any charge is made before any Magistrate of any offence under this Act on which it is necessary to issue a summons to the proprietor of a stage carriage, the Magistrate shall issue such summons directed to such proprietor or his nearest agent and may transmit such summons by letter post, which shall be deemed to be good service thereof. The letter shall be registered at the Post Office and the cost of the registration shall be borne by the Government in the first instance, but may be charged as costs in the cases. The summons shall allow a reasonable time in reference to the distance to which the summons is sent, for the appearance of such proprietor or his agent as aforesaid.—*Act XVI.* 1861, *sec.* 14. Issue of summons.

3999. All penalties incurred under this Act, shall be adjudged by a Magistrate, or Chief Commissioner of Police as aforesaid, and all orders made under this Act by such Magistrate or Chief Commissioner of Police shall be final.—*Ibid, sec.* 15. Adjudication of penalties.

Recovery of penalties, &c.

4000. All penalties imposed under this Act, or any balance of any fine, costs or charges as mentioned in Section 11 of this Act may, in case of non-payment or non-recovery thereof, be levied by distress and sale of the moveable property of the offender by warrant under the hand of the Magistrate who imposed the same.—*Ibid, sec.* 16.

Offender may be apprehended and detained until a certain time.

Warrant.

4001. In case any such penalties shall not be forthwith paid such Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.—*Ibid, sec.* 17

Imprisonment if distress be not sufficient.

4002. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such penalty and the same shall not be forthwith paid, or, in case it shall appear to the satisfaction of such Magistrate by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied, if warrant of distress were issued, such Magistrate may, by warrant under his hand, commit the offender, provided that he is not a European British subject, to prison, there to be imprisoned according to the discretion of such Officer for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case. The commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Ibid, sec.* 18.

Recovery of penalty and costs from European British subjects.

4003. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted and the amount of penalty and the costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.—*Ibid, sec.* 19.

Jurisdiction.

4004. On complaint made before any Magistrate of any offence committed under this Act, it shall not be necessary to prove that the offence was committed within the local limits of such Magistrate or other Officer.—*Ibid, sec.* 20.

Interpretation.

"Magistrate."

"British India."

4005. The term "Magistrate," in this Act, shall include all Magistrates and other persons exercising the powers of a Magistrate.

The term "British India" in this Act shall denote the Territories that are or shall be vested in Her Majesty by the statute 21 and 22 vic. c. 106; entitled "an Act for the better Government of India."

"Horse."

Number.

The term "Horse" shall include Ponies and Mules.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall includs the feminine.—*Ibid, sec.* 21.

Commencement of Act.

4006. Except in the Presidency of Fort St. George and the settlement of Prince of Wales' Island, Singapoor, and Malacca, the Act shall have effect on and after the 1st day of September 1861. In the said Presidency and settlement respectively the Act shall have effect from the day when it shall be extended thereto by the Local Gavernment by an order published in the Government Gazette.—*Ibid, sec.* 22.

What authorities can grant licenses.

4007. For the present and until further orders, authority to grant licenses under Act XVI. of 1861 is restricted to the Magistrates of Ghageepore, Benares, Allahabad, Cawnpore, Etawa, Agra, Allygurh, and Meerut; but if inconvenience should arise from this limitation Magistrates will be pleased to bring the same to the notice of Government—*C. O. Govt. N. W. P. No.* 1936*A*, 27*th July* 1861, *para.* 3; *and No.* 1601*A*, *June* 11*th*, 1862.

4008. The license will be drawn in the following form (A) of which printed copies should be kept in readiness.—*Ibid, No.* 1838*A*, *27th, July* 1861, *para.* 3.

4009. Form A.

This License of a stage carriage is hereby granted under the authority of Act XVI. of 1861, Sections 3 and 4 to be in force for the period of one year from the date hereof, according to the particulars setforth below.

1	2	3	4	5	6	7	8	9	10
No. of License.	Date of License.	Name of proprietor of stage carriage.	Residence of Proprietor.	Where Head Office of proprietor is held.	Maximum of Passengers allowed to be carried in this stage carriage.	Maximum weight of Luggage licensed to be carried in ditto.	Number of house by which this stage carriage shall be drawn.	Place at which Licensed.	

MAGISTRATE'S OFFICE,

Dated the 186 . *Magistrate.*

—*Ibid, Form A.*

4010. A Register will be kept up in the Magistrate's Office in the following Form (B), and the particulars of every license granted will be entered in this Register before delivery to the applicant.—*Ibid, para.* 4.

4011. Form B.

Register of stage carriage license granted under Act XVI. of 1861 by the Magistrate of

1	2	3	4	5	6	7	8	9	10	11	12	13
Year.	No. of License.	Date of License.	Name of Proprietor of stage carriage.	Residence of Proprietor	Place of Proprietor's Head Office.	Maximum No. of Passengers to be carried.	Maximum weight of luggage to be carried.	Number of horses by which carriage to be drawn	Date of payment of License fee.	Signature of Officer in charge of Treasury for receipt of fee with date.	Date of expiry of License	Remarks.

Separate license required for each carriage.

4012. A separate license is required for each carriage used as a stage carriage, and for each such license a separate payment of five (5) Rupees must be demanded and enforced before delivery of license. It is not sufficient, for instance, that a Horse Dâk Company having 10 or more stage carriages in use should take out one license. A license must be obtained for every such stage carriage.—*Cir. Govt. N. W. P. No.* 1838*A*, 27*th, July* 1861, *para.* 5.

Magistrate to satisfy himself as to the condition of the carriage &c.

4013. Before granting a license the Magistrate must satisfy himself, either by personal inspection, or otherwise, that the carriage for which license is required, is not unserviceable or unsafe, or unfit for public accommodation, or use, and it will be his duty to use his discretion of determining the largest number of passengers, and the greatest weight of luggage to be carried in, or in each carriage for which he may grant a license.—*Ibid, para.* 6.

Enforcement of penalties.

4014. It is particularly necessary to enforce the penalties allowed by the law, in all cases of neglect to conform to the provisions of Section V. of the Act, and to this end the District Superintendent of Police should be enjoyed to bring to the notice of the Magistrate issuing the license or to the notice of the nearest Magistrate every case of the kind, even though the circumstances should not be such as to justify seizure of the carriage under Section XI.—*Cir. Govt. N. W. P. No.* 1916 A, 27*th, July* 1861, *para.* 6.

License to be renewed annually.

4015. Each license will be in force for one year only from date thereof, and any proprietor of a stage carriage, who shall let such stage carriage for hire after the expiry of that period, without renewing the license, will be liable to the penalties prescribed in Section 7 of the Act. And if, having renewed the license, he should let such stage carriage for hire, without having conformed to the provisions of Section V. he will be liable to the penalties laid down in Section VI. of the same.—*Cir. Govt. N. W. P. No.* 1838 *A*, 27*th, July* 1861 *para.* 8.

Fees to be paid into treasury.

4016. The fees realized upon licenses will be paid at once into the Government Treasury, and an acknowledgment will be taken from the Officer in charge of the Treasury, in the appropriate column of the Register.—*Ibid, para.* 9.

To be credited to Government.

4017. The amount of license fees so paid into the Government Treasury will be credited to Government in the Treasury accounts, according to the instructions which the Deputy Auditor and Accountant General N. W. P. may see fit to issue in that behalf.—*Ibid, para.* 10.

4018. The Register will be open to the inspection of any person who may apply to the Magistrate for permission to refer to it.—*Ibid, para.* 11.

4019. In the execution of Act No. XVI. of 1861, Magistrates will be pleased to mark the destinction between a "Magistrate" as interpreted in Section XXI. and the "Magistrate of a District," as defined in Section 1, Act No. V. of 1861.—*Cir. Govt. N. W. P. No.* 1936*A*, 27*th July*, 1861, *para.* 7.

Procedure when a complaint or information is laid before a Magistrate.

4020. Whenever a complaint or information may be laid before any Magistrate of an infringement of any of the provisions contained in Sections VI, VII of the Act, he should call upon the person, having care of the stage carriage, the driver, the proprietor, or the proprietor's Agent, as may be, to produce the license, or copy of the license, authenticated by the Magistrate issuing the same. If the license or copy thereof should be produced and there should be no reason to doubt the genuineness of it, the Magistrate will proceed to pass such orders, as according to the circumstances of the case may seem to him fit. If, for any reason, the license should not be produced an application should be forwarded to the Magistrate, who may be known or ascertained to have issued the license for an extract from his Register, showing the particulars of the license in question, or for information as to the whether license was granted or not or as to any other circumstances calculated to throw light on the case at issue.—*Ibid, para.* 8.

Passengers may complain &c.

4021. It may be safely left to passengers to bring before you complaints of the misconduct of drivers under Section XII. but it will be a proper duty of the Police to report all cases of ill treatment of animals under Section IX. of the Act.—*Ibid, para.* 9.

4022. Magistrates will note that under Section XX., it is not necessary to prove that an offence under this Act was committed within the local limits of the Magistrate, to whom the complaint of such offence may be preferred.—*Ibid, para.* 11. Jurisdiction.

SECTION.

OF STAMPS.

4023. From the time when this Act shall come into force, Regulation XII. 1830 of the Bombay Code (for modifying the rule provided in Clause first, Section III., Regulation IV., 1827, for valuing lands in Civil actions), Act XXXVI. of 1860 (to consolidate and amend the law relating to Stamp Duties) Act XL. of 1860 (to amend Act XXXVI. of 1860), and Act LI. of 1860 (further to amend Act XXXVI. of 1860), are repealed, except in so far as they rescind other Acts or Regulations or parts of other Acts or Regulations, and except as regards Deeds, Instruments, or Writings which shall have been made or executed, and all proceedings or matters which shall have taken place before this Act shall come into force. In respect of any such Deed, Instrument, or Writing, the provisions of the Acts and Regulations which were in force at the time such Deed, Instrument, or Writing shall have been made or executed, or such proceeding or matter shall have taken place, shall be applicable in the same manner as if this Act had not been passed.—*Act* X. 1862, *sec.* 1. Preamble. Laws repealed.

4024. For every Deed, Instrument, or Writing which shall be executed from the time when this Act shall come into force, and which shall be of any of the kinds specified as requiring Stamps by the Schedule A. annexed to this Act, there shall be payable to Government Stamp Duty of the amount indicated in the said Schedule to be proper for such Deed, Instrument, or Writing.—*Ibid, sec.* 2. Stamp Duty payable under Schedule A.

4025. The Governor-General of India in Council shall prescribe the form, size, and material of the stamps to be used, and the mode and place of impressing, affixing, or denoting thereupon the value of the same, under the provisions of this Act, and may from time to time alter and vary the orders which he may so issue. The orders made by the Governor-General of India in Council under this Section shall be published in the Official Gazettes of the several Presidencies and places in which such orders are to be in force.—*Ibid, sec.* 4. Governor-General in Council to prescribe the form, &c., of stamps to be used.

4026. Under Section IV, Act X. of 1862, the Governor General in Council is pleased to make the following order : — Impression on stamp.

The "Stamps" other than Adhesive stamps, to be used under Act X. of 1862, shall be paper, or other material for writing on, bearing on the upper part an impressed stamp of a round or oval form, which shall be impressed in one of the Government Stamp Offices. The impressed stamp shall specify in the English language, and also, in such cases as shall seem expedient to the Board of Revenue, or other Chief Revenue Authority, in one or more Oriental languages, the amount of the sum purporting to be charged as Stamp Duty on such paper or other material. Provided that, if necessary, more than one impressed Stamp may be borne upon such paper or other material, in order to make up the full amount of the sum purporting to be charged as Stamp Duty on such paper, or other material.

The "Adhesive Stamps" to be used under Act X of 1862 shall bear an impression of the Queen's head, and the amount of the sum purporting to be charged as Stamp Duty shall be denoted on the face of the Stamp in the English language. Provided that, where Adhesive Stamps are allowed to be used, more than one Adhesive Stamp may be affixed on the same Deed, Instrument, or Writing, Adhesive Stamp.

in order to make up the full amonnt of the Stamp Duty chargeable on such Deed, Instrument, or Writing under the Act.—*Order of Govt. of India No.* 2664, *May* 30*th*, 1862.

Receipt stamp how to be denoted

4027. The Duty imposed by this Act on receipts and Drafts or Orders for the payment of money on demand and bearing the date on which the Draft or Order is made, may be denoted by an adhesive stamp affixed to the paper upon which such Instrument is written.—*Act* X. *of* 1862, *sec.* 5.

Adhesive stamps may be used for transfers of shares of Banking Corporations, &c.

4028. The Duty chargeable on the transfer of a share of any Banking Corporation or Joint Stock Company, which by any law applicable to such Corporation, or Company can be effected by simple endorsement, may be denoted by an adhesive stamp affixed thereto.—*Ibid,sec.* 6.

Governor General in Council may authorize the use of adhesive stamps for other Deeds, &c.

4029. It shall be lawful for the Governor General of India in Council, by an order to be published in the Official Gazette, to authorize the use in the whole or in any part of the British Territories in India to be mentioned in such order, of adhesive stamps for any Deeds, Instruments or Writings required to bear a stamp other than the Instruments mentioned in the last two preceding Sections.—*Ibid, sec.* 7.

Obliteration of adhesive stamp when used.

4030. In any case where an adhesive stamp shall be used as hereinbefore authorized, the person making the Deed, Instrument, or Writing to which such stamp is affixed, shall, before the Deed, Instrument, or Writing shall be delivered out of his hands, custody, or power, cancel the stamp so used, by writing thereon his name or the initial letters of his name, or in such other manner as to show that such stamp has been made use of, and so that the same shall not admit of being used again; and if any person who shall write or give any receipt or discharge or make or sign any Draft or Order, or any other Deed, Instrument, or Writing with an adhesive stamp thereon when an adhesive stamp is allowed to be used, shall not *bonafide* in manner aforesaid cancel such stamp, he shall forfeit a sum not exceeding one hundred rupees.—*Ibid, sec.* 8.

Stamps on Bills of Exchange, &c.

4031. The Duty imposed by this Act on foreign Bills of Exchange shall be paid on account of all bills drawn within but payable out of the British Territories in India, and on account of all bills drawn out of the British Territories in India, which shall be accepted, endorsed, transferred, paid, or otherwise negotiated within those territories wheresoever the same may be payable; and the duty so imposed on bills drawn out of the British Territories in India, may be denoted by adhesive stamps to be affixed to such bills as hereinafter directed.—*Ibid, sec.* 9.

Bills purporting to be drawn abroad deemed for the purposes of this Act to be so drawn.

4032. Every Bill of Exchange which shall purport to be drawn at any place out of the British Territories in India, shall, for all the purposes of this Act, be deemed to be a foreign Bill of Exchange drawn out of the British Territories in India, and shall be chargeable with Stamp Duty accordingly, notwithstanding, that in fact the same shall have been drawn within those Territories.—*Ibid, sec.* 10.

The holder of a bill drawn out of the British Territory to affix an adhesive stamp thereon before negotiating it.

4033. The holder of any Bill of Exchange drawn out of the British Territories in India, and not having a proper stamp affixed thereon as herein directed, whether the same be a single Bill or one of a set of two or more bills, shall, before he present the same for acceptence or for payment, or endorse, transfer, or in any manner negotiate such bill, affix there to a proper adhesive stamp for denoting the duty by this Act charged on the amount of such bill when drawn singly, and the person who shall present such bill for acceptance or payment, or who shall endorse, transfer, or in any manner negotiate such bill, shall, before he shall deliver the same out of his hands, custody, or power, cancel the stamp so affixed by writing across the bill as his endorsement, his name or the name of his firm and the date of the day and year on which he shall so write the same, or by affixing thereon or across the same the seal or mark which he is in the habit of using, or in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again, and if any person shall present for acceptance

or for payment, or shall accept, pay or endorse, transfer, or in any manner negotiate any such Bill as aforesaid, whereon there shall not be such adhesive stamp as aforesaid, duly affixed, or if any person, who ought as directed by this Act to cancel such stamp in manner aforesaid, shall refuse or neglect so to do, every such person so offending in any such case, shall be liable to the penalty prescribed in Section III. of this Act; and no person who shall take or receive from any other person any such Bill as aforesaid either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose whatever, unless at the time when he shall so take or receive such Bill, there shall be such stamp as aforesaid affixed thereto and cancelled in the manner thereby directed.—*Ibid, sec.* 11.

Penalty for negotiating such bill without a stamp affixed or for neglecting to cancel such stamp.

4034. Except as otherwise provided by this Act, no Deed, Instrument, or Writing, for which any duty shall be payable under Section II. of this Act, shall be received as creating transferring, or extinguishing any right or obligation, or as evidence in any Civil proceeding in any Court of Justice whether established by Royal Charter or otherwise, or shall be acted upon in any such Court or by any public Officer, or shall be registered in any public Office or authenticated by any public Officer, unless such Deed, Instrument, or Writing be upon a stamp, or when an adhesive stamp shall be allowed to be used, shall bear a stamp of a value not less than that indicated to be proper for it by the schedule A, annexed to this Act. Provided that every Deed, Instrument, or Writing liable to stamp Duty, shall be admitted as evidence in any criminal proceeding, although it may not have the stamp required by this Act impressed thereon or affixed thereto.—*Ibid, sec.* 14.

Effect of a writing not duly stamped.

Proviso.

4035. If any Deed, Instrument, or Writing, requiring to be stamped under Section II. of this Act, shall have been executed on paper not bearing the proper stamp, the Collector of Stamp Revenue of the District if satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper stamp did not arise from any intention to evade payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing, or otherwise to defraud the Government, may, on payment of the proper stamp duty, or if the Deed, Instrument, or Writing, shall be insufficiently stamped on payment of such sum as with the amount of the stamp upon such Deed, Instrument, or Writing, shall suffice to complete the prescribed amount and, as a penalty, double the amount required to make up the same, direct that such Deed, Instrument, or Writing be duly stamped: provided that such Deed, Instrument, or Writing be presented to such Collector for the purpose of having the proper stamp affixed to or impressed upon it within six weeks from the date of its execution. If the Collector be satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper stamp arose solely from urgent necessity or unavoidable accident, he may remit the penalty prescribed by this section.—*Ibid, sec.* 15, *cl.* 1.

Deeds inadvertently executed on paper not bearing proper Stamp may be duly Stamped on payment of proper Stamp duty and penalty, if brought to the Collector within six weeks.

Remission of penalty.

4036. If any Deed, Instrument, or Writing requiring to be stamped under section II. of this Act, which shall have been executed on unstamped or insufficiently stamped paper, shall be brought to such Collector for the purpose of being properly stamped after six weeks from the date of its execution, but within four months from that date, such Collector, if satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper stamp, did not arise from any intention to evade the payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing or otherwise to defraud the Government, may on payment of a sum sufficient to make up the proper amount of Stamp Duty, and as a penalty treble the amount required to make up the same, direct that the requisite stamp be impressed on such Deed, Instrument, or Writing, or if such Deed, Instrument, or Writing shall not be brought to such Collector until after the xpiration of four months from the date of its execution, the

Penalty if executed on unstamped or insufficiently stamped paper and brought to be stamped after six weeks of execution but within four months of that date.

Penalty if brought after four months.

requisite Stamp may be ordered to be impressed on payment of the sum required to make up the proper amount of Stamp Duty, and as a penalty twenty times the amount required to make up the same.—*Act* X., 1862, *sec.* 15, *cl.* 2.

Collector to determine whether, on payment of penalty, a Deed, &c., executed on unstamped or insufficiently stamped paper shall be stamped.

4037. It shall be the duty of the Collector of the Stamp Revenue of the District, to determine whether the requisite stamp shall be impressed on any Deed, Instrument, or Writing falling under the last two preceding Clauses, which shall have been executed on unstamped or insufficiently stamped paper.—*Ibid, clause,* 3.

Collector to decide under this Section the proper amount of Stamp Duty to be impressed upon any Deed, &c.

4038. Whenever a doubt shall arise respecting the proper amount of the stamp to be impressed under this Section on any Deed, Instrument, or Writing, the Collector of Stamp Revenue of the District shall determine the amount of Stamp to be impressed upon such Deed, Instrument, or Writing.—*Ibid, cl.* 4.

Board of Revenue, &c., may in certain cases order the proper Stamp to be impressed.

4039. In any case falling within this section in which it shall appear to the Board of Revenue or the Chief Controlling Revenue Authority that a Collector of Stamp Revenue has directed an improper Stamp to be impressed upon any Deed, Instrument, or Writing, such Board or other Authority as aforesaid may, if the stamp ordered by the Collector to be impressed upon such Deed, Instrument, or Writing, shall not have already been impressed thereupon, order the proper stamp to be impressed upon such Deed, Instrument, or Writing upon payment of the proper amount of stamp Duty and the penalty to which the holder of such Deed, Instrument, or Writing is liable under clause 1, or clause 2 of this Section.—*Ibid, cl.* 5.

Mitigation or return of penalty under this Section.

4040. The Board of Revenue or other Chief Controlling Revenue Authority may, upon petition order any penalty imposed under this Section to be mitigated, and if paid, may order the whole or any part of it to be returned.—*Ibid, cl.* 6.

The Stamp impressed under the Preceding Section to be taken to be the proper Stamp.

4041. The stamp which shall be impressed under the last preceding Section, shall be taken in any Court of Justice to be the proper stamp required by this Act for the Deed, Instrument, or Writing on which the same is impressed.—*Ibid, sec.* 16.

In cases falling under Section XV Civil Courts may receive in evidence unstamped or insufficiently stamped Deeds, on payment of the proper Stamp Duty and penalty.

4042. In any case in which a stamp might be impressed under Section XV. of this Act, a Civil Court may receive in evidence any Deed, Instrument, or Writing not bearing the stamp prescribed by Schedule A, annexed to this Act on payment into Court of the proper amount of stamp Duty to be determined by the Court, whose decision on the point shall be final together with the penalty required by the said Section.—*Ibid, sec.* 17, *cl.* 1.

Procedure on payment under preceding Clause.

4043. An entry of such payment setting forth the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the back of the Deed, Instrument, or Writing, and shall be signed by the Court. The Court shall, at the end of every month, make a return to the Collector of the Stamp Revenue of the District, of the money (if any) which it has so received, distinguishing between the sums received by way of penalty, and the sums received by way of Duty, stating the number and title of the suit, and the name of the party from whom such money was received, and the date, if any, and description of the document for the purpose of identifying the same; and the Court shall pay over the money so received to such Collector or to such person as he may appoint to receive the same. Such Collector or other proper Authority shall, upon the production of the Deed, Instrument, or Writing with the endorsement hereinbefore mentioned, cause it to be stamped thereon with a stamp of the amount paid into Court on account of such Duty. The provisions contained in Clause 6, Section XV. of this Act as to the mitigation or payment of penalties paid to the Collector shall be applicable to penalties paid into Court under this Section.—*Ibid, cl.*2.

4044. No Deed, Instrument, or Writing, executed on unstamped or insufficiently stamped paper, shall be stamped at any time after the execution thereof, except as hereinbefore provided.—*Act* X., 1862, *sec.* 18.

No unstamped or in sufficiently stamped Deed &c., to be stamped except as aforesaid.

4045. When in any case other than the cases provided for in Sections XV. and XVII. of this Act any person shall entertain any doubt respecting the proper amount of stamp Duty for any Deed, Instrument, or Writing, he may apply to the Board of Revenue or the Chief Controlling Revenue Authority, either directly or through the Collector of Stamp Revenue of the District, for an adjudication with a view to remove such doubt, and shall at the same time pay a fee of ten Rupees, and thereupon such Board or other Authority as aforesaid shall determine the amount of Stamp which such Deed, Instrument, or Writing should bear, and on payment thereof, shall cause such Deed, Instrument, or Writing to be impressed with such Stamp, and an additional Stamp denoting that such adjudication fee has been paid. A Deed, Instrument, or Writing, so stamped shall be received in evidence as properly stamped in any Court of Justice.—*Ibid, sec.* 19.

Procedure (in cases other than those provided for in Sections XV. and XVII.) for determining the proper amount of Stamp Duty to be impressed on any Deed.

4046. The cost of transmitting by post, any Deed, Instrument, or Writing required to be stamped under any of the foregoing Sections of this Act, and the cost of registering the same at the Post Office for transmission, shall, in all cases, be borne by the party applying to have such Deed, Instrument, or Writing, stamped.—*Ibid, sec.* 20.

Cost of transmitting Deed, &c., to be stamped by whom to be paid.

4047. The Government shall not be responsible for any loss or damage which shall occur in respect of any Deed, Instrument or Writing, entrusted to the Collector of Stamp Revenue of the District for the purpose of being stamped, and no person employed by the Government in the Stamp Department, shall be responsible for any such loss or damage, unless such person shall wilfully, fraudulently, or by gross negligence cause such loss or damage.—*Ibid, sec.* 21.

Government not responsible for loss or damage to Deed, &c.

4048. The provisions of Sections XV. and XVII. of this Act shall not extend to Bills of Exchange or other forms of orders for money, or to Receipts for money.—*Ibid, sec.* 22.

Provisions of Section XV. and XVII. not to extend to Bills of Exchange.

4049. The payment of any penalty under Section XV. or Section XVII. of this Act shall exempt the person paying the same from any further penalty for any such omission or neglect as is therein described, and if any other such penalty shall already have been imposed the same shall be taken so far as it goes in reduction of any penalty under the said Sections.—*Ibid, sec.* 23.

Exemption from further penalties than those prescribed in Section 15 or 17.

4050. When any Draft or Order for the payment of money on demand chargeable with the Stamp Duty of one anna shall come to the hand of any person unstamped, it shall be lawful for such person to affix thereto the necessary adhesive Stamp and to cancel the same in the manner required by this Act, and upon so doing to charge the duty against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid, and such Draft or Order shall, so far as relates to the Stamp Duty chargeable thereon, be good and valid; but this shall not relieve any person from the liability to the penalty which he may have incurred by issuing the said Draft or Order unstamped.—*Ibid, sec.* 24.

Persons receiving unstamped Drafts or Order for payment of money on demand may affix Stamps thereto.

4051. In modification of so much of Section 98 of the Code of Civil Procedure as declares that on the application of the plaintiff reciting the substance of any agreement, compromise or satisfaction, in accordance with which a suit is adjusted and disposed of, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the plaint, if the application shall have been presented before the settlement of issues, or half the amount if presented at any time after the settlement of issues and before any witness has been examined, it is enacted that if such application shall have been presented before the suit is called up for the settlement of issues, or in suits in which he summons to the defendant shall be for the final disposal of the suit, as directed in Section

Refund in certain cases of half the amount of Stamp duty on plaint in the event of agreement, compromise or satisfaction.

41 of the said Code, and in Section 9 of Act XLII. of 1860 for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Court's established by Royal Charter before the hearing of the suit has commenced, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made shall grant a certificate to the plaintiff, authorizing him to receive back from the Collector half the amount of Stamp Duty paid on the plaint. Provided that no such certificate shall be granted if the adjustment between the parties be such as to require a decree to pass, on which process of execution can be taken out, or in any appealed suit.—*Ibid, sec.* 26.

What sum recoverable under a Writing bearing an optional Stamp.

4052. No larger sum shall be recoverable in any Court of Justice by reason of any Deed, Instrument, or Writing, for which an optional Stamp is indicated to be proper by the Schedule A, annexed to this Act than the largest sum for which, if specially stated in a Deed, Instrument, or Writing of the same denomination, the Stamp actually used under the option so given, would be of sufficient value. And no such Deed, Instrument, or Writing shall be held by any Court of Justice, to be valid in respect to any sum of money larger than that for which the Stamp on the said Deed, Instrument, or Writing would be sufficient.—*Ibid, sec.* 27.

Stamp on certain affidavits.

4053. No Justice of the Peace or any Officer, before whom an affidavit not made for the immediate purpose of being filed, read or used in any Court of Justice, may be taken, shall receive or attest such affidavit, unless it be written on a Stamp of not less than the value prescribed by the Schedule A annexed to this Act.—*Ibid, sec.* 28.

Expense of providing Receipt, Stamps, &c.

4054. Every person receiving payment of any sum of money, the receipt for which under this Act requires a Stamp, shall (if required) give a receipt, bearing the proper Stamp indicated by this Act, and shall bear the expense of furnishing the same, and in case of refusal, shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the Stamp of any Bill of Exchange, Letter of Credit, Draft, Cheque on a Banker or other person, Promissory Note, or other Order or Obligation for the payment of money made or drawn in the British Territories in India (not being a bond, Instrument, or Writing bearing the attestation of one or more witnesses,) shall be borne by the person making or drawing the same.—*Ibid, sec.* 29.

Stamp Duties under Schedule B.

4055. Except in any Court of Justice established by Royal Charter, or in any Court of Small Causes established within the local limits of the jurisdiction of any such Court, no Instrument, or Writing of any of the kinds specified as requiring Stamps in the Schedule B annexed to this Act, shall be filed, exhibited, or recorded in any Court of Justice or Government Office, or shall be received or furnished by any Public Officer, unless such Instrument or Writing be upon a Stamp of a value not less than that indicated to be proper for it by the said Schedule B Provided that nothing in this Act shall be held to repeal any special provision in the Code of Civil Procedure or in any other Act or Regulation for the use of plain or unstamped paper in any judicial proceeding, unless such provision shall be expressly repealed by this Act.—*Ibid, sec.* 30.

Proviso.

Effect of provision contained in the Schedules.

4056. Every provision contained in the Schedules annexed to this Act, shall be of the same force as if it were contained in the body of the Act.—*Ibid, sec.* 31.

Decision of questions regarding valuation of claims.

4057. All questions relating to the valuation of claims for the purpose of determining the amount of Stamp Duty chargeable under Schedule B annexed to this Act on any petition of plaint or appeal, shall be decided by the Court in which such petition of plaint or appeal is filed, subject to any appeal to which the orders of such Court are open.—*Ibid, sec.* 32.

Governor General in Council may lower rates, of Stamp Duty in any District, or altogether exempt the same, &c.

4058. The Governor General of India in Council may, from time to time by an order to be published in the Official Gazette, direct that in the whole or in any part of the British Territories in India to be specified in such order, such lower rates of Stamp Duty as he shall prescribe, shall be taken on all or any of the Deeds, Instruments, or Writings specified in the

Schedules annexed to this Act, or altogether exempt the same, and in like manner, as occasion shall require, cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be notified in the Official Gazette.—*Ibid, sec.* 33.

Certain public guarantees exempted from Stamp.

4059. Under the provisions of Sections 33 of Act X. of 1862, the Governor General in Council is pleased to exempt from the payment of Stamp Duty all Guarantees for the due adjustment of public claims or demands required from Public Officers on occasions of transfer of office, or of leave of absence, or of retirement.—*Order of Govt. of India No.* 4128, *August* 11*th*, 1862.

Appointment of Officers for collection of Stamp Revenue.

4060. The Local Government shall appoint Officers for the collection of the Stamp Revenue, and shall assign Districts to such Officers.—*Act* X. *of* 1862, *sec.* 34.

Orders of Collectors of Stamp Revenue open to revision by Board of Revenue, &c.

4061. All orders passed by the Collectors of Stamp Revenue shall be open to revision by the Board of Revenue or other Chief Controlling Revenue Authority, except orders passed under Section XV. of this Act when the Collector shall allow a Deed, Instrument, or Writing, not bearing the proper Stamp to have the proper Stamp impressed upon it, and orders passed under Section L. of this Act, when the Collector shall allow a new stamp or the value in money to be given in lieu of any stamp which shall have been damaged, soiled, or rendered unfit for use. All such orders shall be final and shall not be open to revision.—*Ibid, sec.* 35.

Licensed Stamp venders.

4062. The Local Government may license or cause to be licensed Venders of Stamps, and may direct how and under what conditions stamps may be supplied to such Venders for sale, and what accounts of such stamps shall be kept by them. The license may be for any time, and may at any time be revoked by the authority granting the same.—*Ibid, sec.* 36.

Licenses and Schedules to be stuck up in Stamp Vender's shop.

4063. Every Vender of stamps shall, at all times, have his license, together with the Schedules annexed to this Act, in the Vernacular language of the District, stuck up in a conspicuous situation in the place where he sells the stamps, on pain of a fine not exceeding fifty Rupees.—*Ibid, sec.* 37.

Endorsement of Stamp by Venders.

4064. Every Vender of stamps shall write on the back of every stamp which he sells except adhesive stamps and stamps used for Receipts or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, agreements for loans falling under Article 13 of the Schedule A. annexed to this Act, or Bills of Lading, the date of sale, the name of the person to whom the stamp is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees.—*Ibid, sec.* 38.

Delay by Stamp Vender in issuing Stamps.

4065. Every Vender of stamps shall, without delay, deliver any stamp which he has in his possession for sale, on demand by any person tendering the value in any currency which the Vender is duly authorized to receive in payment for stamps, on pain of a fine not exceeding one hundred Rupees.—*Ibid, sec.* 40

Stamp Vender refusing or omitting to render accounts.

4066. If any Vender refuse or omit to render any account required from him, or to permit the Collector of the Stamp Revenue of the District or any Officer duly authorized by such Collector to inspect his accounts or to examine the store of stamps in his possession, it shall be lawful for such Collector to proceed against such Vender for the recovery of the value of the balance of stamps standing against him in the books of such Collector, or for the recovery of the balance of money standing against such Vender in the said books, in the same manner as Collectors of Land Revenue are authorized by law to proceed against persons owing revenue or rent to Government. —*Ibid, sec.* 44.

Delivery of Stamps, &c., by Vender on determination of his license.

4067. Any Vender who, upon the determination, revocation, or resignation of his license, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some Officer duly authorized to receive the same, an account of the stamps entrusted to him for sale on the part of Government, together with any

such stamps remaining, or which ought to be remaining for sale in his hands, and any balance of cash which may be dué from him to Government in respect of such stamps, shall be liable to a fine not exceeding five hundred Rupees; provided always that no Vender shall, by the payment of such fine, be exempt from any punishment provided by law for any embezzlement of which he shall have been guilty, or from such proceeding as by the last preceding section the Collector of the Stamp Revenue of the District is empowered to adopt for the recovery of the value of any stamps or balance of cash remaining in the hands of or standing against such Vender.—*Ibid, sec.* 45.

On death of Stamp vender, unsold Stamps, &c., to be delivered to a duly authorized Officer.

4068. Upon the death of any Vender, the person in possession of such Vender's effects shall, upon demand being made by the Collector of Stamp Revenue of the District or any Officer duly authorized by him, make over within a reasonable time to such Collector or Officer as aforesaid any stamps which the deceased Vender shall have received for sale on the part of Government and shall not have sold at the time of his death, and any account kept by such deceased Vender in respect to such stamps, of which stamps and accounts such person as aforesaid may have the possession, or be able to obtain the possession, on pain of a fine not exceeding five hundred Rupees. —*Act* X. 1862, *sec.* 46.

Proceedings against sureties of Stamp vender.

4069. The Collector of Stamp Revenue of the District may call upon the surety of a Vender of stamps, to make good the value of the balance of stamps standing against such Vender in the books of such Collector, or the balance of money standing against such Vender in the books of such Collector, and on his failure to do so, may proceed against such surety for the recovery of the value of the balance of stamps, or for the recovery of the balance of money as aforesaid, in the same manner as Collectors of Land Revenue are authorized by law to proceed against the surety of a person owing revenue or rent to Government.—*Ibid, sec.* 47.

Unlicensed sale of stamps.

4070. No person not being a licensed Vender of stamps duly appointed, shall sell any stamp unless it has been in an authorized manner obtained for use and not for sale, under pain of a fine not exceeding one hundred Rupees; provided that nothing in this section shall be held to apply to any adhesive stamp or to any stamp used for a Receipt, Bill of Exchange, Promissory Note, or other Order for money, or to an Agreement for a loan falling under Article 13 of the Schedule A, annexed to this Act, or to a Bill of Lading.—*Ibid, sec.* 48.

If licensed Vender die or his license expire or be revoked.

4071. If any licensed Vender die, or if his license expire or be revoked, the stamps in the possession of such Vender of which, after deducting the per centage or discount allowed, he has paid the amount to Government, may within three months from the date of the death of such Vender, or from the date on which his license expired or was revoked, as the case may be, be brought to the Collector of Stamp Revenue of the District who shall repay such amount. Provided that such stamps were actually in the possession of such Vender for the purpose of sale, and were procured by him from the Collector of Stamp Revenue of the District.—*Ibid. sec.* 49.

Renewal of damaged or spoiled Stamps.

4072. If any stamp paper, after having been obtained in the manner allowed by this Act, shall have become damaged, spoiled, or unfit for use either by any accident happening to the same, or because of some error in the drawing up or copying of any Deed, Instrument, or Writing thereupon, which being discovered before such Deed, Instrument, or Writing shall be finally signed and executed, renders the same of no avail; or when by reason of the death or refusal of the party whose signature may be necessary to effect the transaction intended by such Deed, Instrument, or Writing it remains incomplete and of no avail; or when by the refusal of any Office or trust that may be granted by a Deed, Instrument, or Writing it has failed of the purpose intended; or if any Deed, Instrument, or Writing duly stamped shall not have been finally executed by reason of any accident having happened to the same or because of some

error in the drawing up or copying thereof having been discovered the same is rendered of no avail; or if by reason of failure of consideration, the transaction intended by such Deed, Instrument, or Writing cannot be effected, or such transaction has been effected by some other Deed, Instrument, or Writing duly stamped, or in the case of a Promissory Note, Bill of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same is never brought to use, and in the case of a Bill of Exchange other than a Bill drawn in sets as provided in this Act if it shall not have been presented for acceptance; in all such cases, it shall be competent to the Collector of the Stamp Revenue of the District, upon delivery being made of such Stamped Paper, so damaged, spoiled, or rendered unfit for use, to cause a similar stamp or stamps of equal value to be delivered to the owner of such stamp paper so damaged, spoiled, or rendered unfit for use or to his representative upon payment of the value of the Paper, on which the new Stamp shall be impressed. The provisions of this Section shall not extend to any Bill of Exchange drawn in a set, if any one of such set shall have been delivered to the payee or to any adhesive stamp.—*Act* X. 1862, *sec.* 50, *cl.* 1.

Application for renewal.

4073. The owner of any Stamp which shall be damaged, spoiled, or rendered unfit for use as aforesaid, shall prefer his application to the Collector of Stamp Revenue of the District in which he may have purchased the same, and if such Collector be of opinion that the application ought to be complied with, he shall deliver or cause to be delivered, subject to the provisions of this Act, to the party or his representative, a Stamp similar or of equal value to that which has been damaged, spoiled, or rendered unfit for use. Provided that the application be made within six months of the period when the Stamp shall have become damaged, spoiled or rendered unfit for use.—*Ibid, cl.* 2.

Collector may repay the amount of damaged Stamps, instead of giving new Stamps.

4074. In any case in which under this Section a Collector may give a new Stamp in lieu of a Stamp damaged, spoiled, or rendered unfit for use, he may, if he shall see fit, repay to the party making the application the amount of such Stamp in money.—*Ibid, cl.* 3.

Conveyance to state truly the amount of the purchase money.

4075. From the time when this Act shall come into force, in case of the sale of any land annuity, or other property, real or personal, moveable or immoveable, not being a share of any Banking Corporation or Joint Stock Company when the same is transferred by simple endorsement, or of any right, title, interest, or claim in any such property, when a duty is imposed by this Act on the conveyance thereof, the full purchase or consideration money directly or indirectly paid, or secured or agreed to be paid for the same, shall be truely expressed and set forth in words at length in the principal Deed, Instrument, or Writing, whereby the property sold shall be conveyed to or vested in the purchaser or in any other person. Provided that if the Deed, Instrument, or Writing be framed in accordance with a form prescribed by any Act or Regulation in force, and shall not contain such purchase or consideration money then such purchase or consideration money shall be truely expressed and set forth in words at the foot of such Deed, Instrument, or Writing. If the full purchase or consideration money shall be not fully and truely expressed and set forth in the manner above directed, the purchaser and seller shall each forfeit a sum not exceeding five hundred Rupees, and be charged with the payment of five times the amount of the excess of Duty which would have been payable for such Deed, Instrument, or Writing in respect of the full purchase or consideration money if the same had been duly expressed in such Deed, Instrument, or Writing, beyond the amount of Duty actually paid for the same.—*Ibid, sec.* 51, *cl.* 1.

Penalty if person employed to prepare a conveyance inserts a less sum than the true purchase money.

4076. If any person shall knowingly and wilfully insert or set forth in any such Deed, Instrument, or Writing any less amount than the full and true purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same he shall incur the penalties prescribed in the preceding clause of this Section.—*Ibid, cl.* 2.

Prosecution only to be by Collector of Stamp Revenue, &c.

4077. No person shall be proceeded against for any offence affecting the Public Revenue under this Act, except at the suit or prosecution of the Collector of the Stamp Revenue of the District or other Officer specially authorized by the Government in that behalf.—*Ibid, sec.* 52.

Offences cognizable by Magistrate or justice of the Peace.

4078. Every offence punishable by this Act may be tried by any Officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class as defined in the Code of Criminal Procedure or by a Justice of the Peace.—*Act* X. 1862, *sec.* 53.

Imprisonment in case of non-payment of fine.

4079. If any person sentenced to a fine under the provisions of this Act, shall not pay the fine to which he shall be sentenced, it shall be lawful for the Magistrate or Justice of the Peace who passed the sentence to issue his warrant to levy the amount by distress and sale of the goods and chattels of the party fined, or to sentence the offender to imprisonment until the payment of the fine, or the expiration of a term to be assigned, not exceeding three months whichever, shall first take place.—*Ibid, sec.* 54.

Rewards to informers.

4080. A share not exceeding one-half of every fine imposed and recovered under this Act may be awarded by the Magistrate or Justice of the Peace imposing the fine to the informer.—*Ibid, sec.* 55.

Interpretation "Stamp."

"Value."

Bill of Exchange.

"Deed."

"Paper."

"Sheet."

Number.

Gender.

"Month."

"British Territories in India."

4081. Throughout this Act and the Schedules annexed to it, the word "Stamp," except when the contrary shall appear from the context, is used to signify a stamped piece of paper or other stamped material for writing on; and by the "value" of a stamp is meant a sum indicated by words or figures duly impressed upon such piece of paper or other material. The term "Bill of Exchange," includes a Hoondee or any other Instrument of a like nature. The word "Deed" includes every Instrument of the nature of a Deed whether under a seal or not. The word "Paper" includes Parchment, Vellum, or other similar material. The word "Sheet" denotes a stamped Paper or other material of the size prescribed by the Governor General in Council under Section IV. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. Words importing the masculine gender shall include females. The word "month" means a Calendar month. The word "British Territories in India" denote the Territories vested in Her Majesty by the statute 21 and 22 Vic, c. 106, entitled "an Act for the better Government of India."—*Ibid, sec.* 56.

Commencement of Act.

4082. This Act shall come into force on the 1st day of June 1862.—*Ibid, sec.* 57.

4083. SCHEDULE A.

Containing a specification of the Deeds, Instruments, and Writings which require to be Stamped under this Act, and of the proper Stamps, for such Deeds, Instruments, and Writing.

	PROPER STAMP.
1st.—Agreement, or any Minute or Memorandum of an Agreement, not being of the nature of a bond or other obligation for the payment of money, or of a conveyance, or of a Deed of Mortgage, Gift, or Dower, and not being otherwise provided for in this Schedule, whether the same be only evidence of a contract or obligatory upon the parties. *Note.*—If two or more letters are offered in evidence to prove an Agreement between the parties who shall have written such letters it will be sufficient if any one of such letters be stamped as an Agreement.	1 Rupee.

	PROPER STAMP.	
If the Agreement, or Minute or Memorandum be of the nature of a Bond or other obligation for the payment of money or of a conveyance or of a Deed of Mortgage, Gift, or Dower.	The same stamp as prescribed by this Schedule for such Instrument.	
2.—Agreement for an annual or periodical payment not otherwise charged for in this Schedule.	The same stamp as for a Bond for the amount of ten year's payment or of the total sum secured if less.	
3.—Agreement, or Minute or Memorandum for a lease or of the terms and conditions on which any land, house or other real property is let, held, or occupied.	The same stamp as for a Lease for the same property on the same terms and conditions.	
Provided that any lease afterwards made of the same land, house or other real property in pursuance of such Agreement, Minute, or Memorandum, shall be chargeable with a Stamp Duty of 8 annas only, to be denoted by a stamp, which shall be affixed to such lease by the Collector of Stamp Revenue of the District upon the production of the Agreement, Minute or Memorandum bearing the proper stamp and not otherwise.		
4.—Agreement to cultivate, manufacture, produce, provide, or deliver any article in consideration of advance made.	Rupees.	Annas.
If the amount advanced do not exceed ... 50 Rs.	0	1
If it exceed 50 Rs. but do not exceed .. 100 "	0	2
If it exceeds 100 Rs. but do not exceed ... 200 "	0	4
If it exceeds 200 Rs. but do not exceed .. 500 "	0	8
If it exceeds 500 Rs.	1	0
5.—Agreement or Contract, or any Minute or memorandum of an Agreement made for or relating to the sale or purchase of any security of the Government of India, Railway Scrip, Share in any Joint Stock Company, or Bill of Exchange to the amount or value of 100 Rupees or upwards.	1 Anna.	
EXEMPTION.		
Agreement or Contract or any Minute or Memorandum of an Agreement, made for or relating to the sale or purchase of any security of the Government of India, Railway Scrip, Share in any Joint Stock Company, or Bill of Exchange, if not of the amount or value of one hundred Rupees.		
Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale of any goods or merchandize.		
6.—Agreement for the hire of a Steamer for tugging a vessel if for a single trip within the limits of the Port.	8 Annas.	
Beyond the limits of the Port.	1 Rupee.	
7.—Agreement for service or personal employment by the month or for any longer period.		
If the amount of monthly salary or wages secured by such Agreement do not exceed in value 5 Rupees.	1 Anna.	

	PROPER STAMP.
If the amount so secured exceed 5 Rupees but do not exceed 20 Rupees.	4 Annas.
If the amount so secured exceed 20 Rupees but do not exceed 50 Rupees.	8 Annas.
In any other case.	1 Rupee.

EXEMPTION.

Agreement for service or personal employment for any period less than a month.

8.—Affidavit or solemn declaration not made for the immediate purposes of being filed, read, or used in any Court of Justice, per sheet.	1 Rupee.
9.—Assignment, if not of the nature specified under the head of conveyance or settlement, nor specially exempted.	
In any case where the Assignment is of any interest secured by an original Deed, Instrument or writing on a stamp of a value less than eight Rupees.	The same Stamp as the original Deed.
In any other case.	8 Rupees.

EXEMPTION.

Transfer by mere endorsement of a Bill of Exchange, Promissory Note, or other negotiable Instrument; or of a Bill of a Lading; and transfer by assignment of a Policy of Insurance.

10.—Bill of Exchange, Letter of Credit, Draft, Cheque, Promissory Note, Hoondee, or other order or obligation for the payment of money not being a Bond, Instrument or Writing bearing the attestation of one or more witnesses.

If payable on demand and bearing the date on which it is made and if the sum payable exceed twenty Rupees.	1 Anna.

If payable at sight or at any period not exceeding one year after date or sight.

	If drawn singly.		If drawn in a set of two, each to be stamped.			If drawn in set of three each to be stamped.	
	Rs.	As.	Rs.	As.	P.	Rs.	As.
When not exceeding .. .. 100 Rs.	0	1	0	1	0	0	1
When exceeding 100 Rs. and not exceeding .. .. 250 "	0	3	0	2	0	0	1
" 250 " " ... ... 500 "	0	6	0	3	0	0	2
" 500 " " ... . 1,000 "	0	12	0	6	0	0	4
" 1,000 " " .. .. 2,500 "	0	8	0	12	0	0	8
" 2,500 " " .. .. 5,000 "	3	0	1	8	0	1	0
" 5,000 " " .. .. .. 10,000 "	6	0	3	0	0	2	0
" 10,000 " " ... . 20,000 "	12	0	6	0	0	4	0
" 20,000 " " ... ... 80,000 "	18	0	9	0	0	6	0

And for every further 10,000 Rupees or for any part of every further 10,000 Rupees, if drawn singly, 6 Rupees in addition; if drawn in a set of two, each to be stamped, 3 Rupees in addition, if drawn in a set of three, each to be stamped, 2 Rupees in addition. If bearing no date, the same stamp as if payable at sight, unless any date or period of payment be specified, in which case the same stamp as prescribed

	PROPER STAMP.
by article 12 for a Bond of the same amount. If drawn in a set of more than three, each of the set in excess of three to be stamped as required for each one of a set drawn in a set of three.	
If not drawn singly, each of the set shall state that it is drawn in a set of two or three and shall denote on the face thereof that it is the first, second, or third of the set as the case may be.	
If payable at a period exceeding one year after date or sight.	The same Stamp, as prescribed by article 12 for a Bond for the payment of the same amount.
11.—Bill of Lading or for any goods to be exported. Bill of sale—see conveyance and mortgage.	4 annas for a single Bill, Acknowledgement, or Instrument, or each part of every set of the same.

12.—Bond or other Obligation for the payment either absolutely or conditionally of any definite or certain sum of money not otherwise charged for or expressly exempted from the payment of Stamp Duty in this Schedule.

						Rupees.	Annas.
If for any sum not exceeding			..	...	25 Rupees.	0	2
Above	25	Rupees and not exceeding		..	50 „	0	4
„	50	Rupees	ditto	..	100 „	0	8
„	100	„	ditto	...	200 „	1	0
„	200	„	ditto	..	300 „	2	0
„	300	„	ditto	..	500 „	4	0
„	500	„	ditto	..	700 „	5	0
„	700	„	ditto	..	1,000 „	6	0
„	1,000	„	ditto	..	2,000 „	10	0
„	2,000	„	ditto	...	3,000 „	15	0
„	3,000	„	ditto	..	5,000 „	25	0
„	5,000	„	ditto	...	10,000 „	35	0
„	10,000	„	ditto	..	20,000 „	60	0
„	20,000	„	ditto	..	40,000 „	100	0
„	40,000	„	ditto	..	60,000 „	125	0
„	60,000	„	ditto	...	80,000 „	150	0
„	80,000	„	ditto	...	10,0000 „	200	0
And for every further part of			...	..	100,000 „	100	0
and for every further			... .	...	1,00,000 „	200	0

13 —Bond of Agreement for a loan made upon the deposit of Title Deeds or a Note or other security of the Government of India, share or Deventure of any Railway or Joint Stock Company, Bill of Lading, Warrant for goods deposited in a Bonded or other Ware-house or assignment of any goods, with or without a deposit of the acceptance or Promissory Note of the borrower. Provided, that no such agreement is drawn in the form of a bond or of a Bill of Exchange or Promissory Note, or in any such way as would render it a negotiable Instrument passing by endorsement for whatever amount, in case the period of such loan shall not exceed one month.	1	0
If such loan is for a period exceeding one month and not exceeding two months.	2	0
If such loan is for a period exceeding two months and not exceeding three months.	4	0
If such loan is for a period exceeding three months.	The same Stamp as prescribed by article 12 for a Bond of the same amount.	

	PROPER STAMP.
14.—Bond or other Obligation concerning respondentia and bottomry.	The same Stamp as prescribed by article 12 for a Bond for the like amount.
15.—Bond or other obligation given as security for the transfer of any Government security or stock of any public Company, or for the delivery or accounting for any matter or thing capable of being valued.	The same Stamp as prescribed by article 12 for a Bond for the payment of the amount engaged to be paid or accounted for or of the value of the thing to be delivered or transferred.
16.—Bond or other obligation for an annual or any periodical payment, not being interest upon any principal sum secured by the Bond or other obligation, whether for a fixed or for an indefinite period.	The same Stamp as prescribed by article 12 for a Bond for the payment of a sum equal to ten times the yearly payment or of the total sum secured, if less.
17.—Bond or other obligation when the amount of the money to be secured is not specified.	An optional Stamp see Section XXVII. of the Act.
When the amount is limited to a certain sum.	The same Stamp as prescribed by article 12 for a Bond for the payment of such limited sum.
18.—Bond or other obligation for the due execution of an Office or work, and any other Bond not otherwise specially provided for or expressly excepted from the payment of Stamp Duty by this Schedule.	An optional Stamp see Section XXVII. of the Act.
19.—Bond or other obligation taken as collateral security with some Deed or Instrument executed on the stamp prescribed for a conveyance or money Bond, or as security for the performance of any other contract, covenant, or Agreement not being for the payment of money, the transfer of property or the satisfaction of any pecuniary demand.	The same Stamp as the Deed, Instrument, contract, covenant or Agreement, if of value not exceeding eight Rupees, otherwise a Stamp of eight Rupees.
20.—Certificate, that is to say, a document denoting or intended to denote the right or title of the holder thereof, or any person to any share or shares or scrip in any Joint Stock or other Company, or proposed or intended company, or any certificate declaring or entitling the holder thereof, or any person, to be or become the proprietor of a share, or shares or scrip of or in any such company.	1 Anna.
21.—Charter-party or any Agreement or contract for the charter or hiring of any sea going ship or vessel.	2 Rupees.
22.—Composition Deed, or other Instrument of composition between a debtor or his creditor.	8 Rupees.
23.—Conveyance or Deed, or Instrument of any kind or description whatsoever, executed for the sale or transfer, for a consideration, of any land, tenement, rent, country, or other property, real or personal, moveable or immoveable, or of any right, title, or claim to or upon or interest in, any land, house, rent, annuity, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to or otherwise vested in, the purchaser, or to some other person by his direction.	
When the purchase or consideration money therein expressed or denoted shall not exceed one hundred Rupees.	1 Rupee.

						PROPER STAMP.	
						Rupees	Annas.
Above	100	Rupees and not exceeding		200	Rs.	2	0
"	200	"	ditto	400	"	4	0
"	400	"	ditto	800	"	8	0
"	800		ditto	1,200	"		0
"	1,200		ditto	2,000	"		0
"	2,000		ditto	3,000	"		0
"	3,000		ditto	4,000	"		0
"	4,000		ditto	5,000	"		0
"	5,000		ditto	7,500	"		0
"	7,500		ditto	10,000	"	1	0
"	10,000		ditto	20,000	"	1	0
"	20,000		ditto	40,000	"	2	0
"	40,000		ditto	60,000	"	3	0
"	60,000		ditto	80,000	"	4	0
"	80,000		ditto	10,0,000	"	5	0
And for every further Or part thereof				50,000	"	2	0
						1	0

24. Conveyance when the consideration is an annuity. — The same Stamp as for a conveyance when the purchase money is equal to ten times the annuity.

25. Conveyance of any kind whatever not otherwise charged, if the value of the property conveyed or of the consideration for the conveyance be stated or appear on the face of the conveyance, .. — The same Duty as would be charged if a consideration in money equal to such value were expressed in the conveyance as the consideration thereof.

If no value appear on the face of the conveyance. — 50 Rupees.

26. Conveyance or transfer of a share of a Banking Corporation or Joint Stock Company, whether by Deed, or endorsement, when the market value of the share transferred does not exceed 100 Rupees, per share, ... — 4 Annas

When it exceeds 100 Rupees and does not exceeds 200 Rupees. — 8 Annas.

When it exceeds 200 Rupees and does not exceeds 300 Rupees. — 12 Annas.

When it exceeds 300 Rupees and does not exceeds 400 Rupees. — 1 Rupee.

And for every 100 Rupees a further Duty of 4 annas, and for the conveyance or transfer of every quarter or half of any such share, a corresponding rate of Duty.

EXEMPTION.

All transfers of subscription to any of the Government Loans or other Government securities.

27. Co-Partnership.—Deed or other Instrument of, ... — 8 Rupees.

28. COPY.—Copy or Extract of any Deed, Instrument, or Writing attested or certified to be a true copy or extract, and furnished for the purpose of being given in evidence in any Civil or Revenue Proceeding or made for the security or use of any person being a party to, or taking any benefit or interest immediately under such Deed, Instrument or Writing. — The same Duty as the original when such Duty does not exceed 8 Annas.

If the Duty chargeable on the original exceed 8 annas but do not exceed 10 Rupees. — 1 Rupee.

If the Duty chargeable on the original exceed 10 Rupees but do not exceed 50 Rupees. — 2 Rupees.

	PROPER STAMP.
If the duty chargeable on the original exceed 50 Rupees.	5 Rupees.
Note.—Every copy bearing the proper stamp which shall at any time be offered in evidence shall be deemed to have been made for that purpose.	
29. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the Deed, Instrument, or writing per sheet, ...	8 Annas.
30. Copy, attested or certified to be a true copy or made for the purpose of being given in evidence in any Civil or Revenue proceeding, of any will, testament, or codicil, or of any probate or probate copy of any will or codicil, or of any letter of administration, or of any confirmation of any testament, testamentary or dative, or of any part thereof respectively, ..	1 Rupee.
31. Copy or extract of any Deed, Instrument or Writing annexed to any Deed, Instrument, or Writing.	The same Stamp as the Deed Instrument, or Writing from which the copy or extract is made if of value not exceeding 8 as. otherwise 8 as. per sheet.
32. Copy authenticated or certified, of any record, letter, account, statement, report, or other writing furnished to any individual from any Government Office, per sheet. ...	8 Annas.
For copies of Judicial or revenue papers given from Courts of Justice, revenue Offices, &c. ...	See Schedule B.
EXEMPTION	
Copy of any paper which any public Officer is required to make or furnish, for which a stamp is not specially required by this Schedule.	
33. Counterpart of a lease, ..	The same Stamp as for such lease.
EXEMPTION.	
Counterpart of a lease executed by a ryot or other actual cultivator of the soil, provided that no fine or premium be paid as part of the same transaction.	
(FOR MADRAS.)	
Counterpart of a lease executed between land-lord and tenant relative to lands in the Presidency of Madras, subject to the payment of Revenue to Government.	
A counterpart of a lease includes a Kabooleut and the like.	
34. Covenant.—Any separate Deed of covenant made on the sale or mortgage of any immoveable property or of any right or interest therein (the same not being a deed chargeable with advalorem duty under the head of conveyance in this Schedule) for the conveyance assignment, surrender, or release of such property, right or interest, or for the title to or quiet enjoyment, freedom from incumbrance, or further assurance of such property, right, or interest, or otherwise by way of indemnity in respect of the same, or for the production of the Title Deeds, or muniment of title relating thereto or for all or any of those purposes. ..	10 Rupees.

	PROPER STAMP.
35. Deed of gift or dower whether to take effect on the instant, or at a future period, determinate or indeterminate, ..	The same Stamp as for a conveyance.
36. Deed of any kind not otherwise charged or expressly exempted from stamp duty by this Schedule, ..	1 Rupee.
37. Duplicate, or counterpart of any Deed, Instrument, or Writing of any description whatever chargeable with duty under this act not otherwise charged for or expressly exempted from stamp duty under this Schedule, ..	The same Duty as the original when such Duty does not exceed 8 Annas.
If the duty chargeable on the original exceed 8 annas, but do not exceed 10 rupees, ...	1 Rupee.
If the duty chargeable on the original exceed 10 rupees but do not exceed 50 rupees, ..	2 Rupees
If the duty chargeable on the original exceed 50 rupees, ..	5 Rupees.
Provided that such duplicate or counterpart stamp shall be affixed by the Collector of Stamp Revenue of the District upon the production of the original deed bearing its proper stamp and not otherwise.	
38. EXCHANGE.—Any Deed, Instrument, or Writing whereby any real property shall be conveyed or surrendered in exchange for other property. ..	The same Stamp as for a conveyance.
39. LEASE.—Any lease made in perpetuity, or for a term of years or period determinable with one or more lives or otherwise contingent in consideration of a sum of money paid in the way of premium, fine or the like, if without rent, ..	The same Stamp as for a conveyance or Deed of sale for a sum of the amount of such consideration.

40. Any lease of any land, house, or other real property at a rent without any payment of any sum of money by way of fine or premium.

Where the rent calculated for a whole year shall not exceed in value 24 rupees

					When the lease is for a period not exceeding one year.		When the lease is for a period exceeding one year	
					Rs.	As.	Rs.	As.
Exceeding	24	Rupees but not exceeding	50	Rs.	0	4	0	8
"	50	" "	100	"	0	8	0	12
"	100	" "	250	"	0	12	1	0
"	250	" "	500	"	1	0	2	0
"	500	" "	1000	"	2	0	4	0
"	1000	" "	2000	"	4	0	8	0
"	2000	" "	4000	"	8	0	16	0
"	4000	" "	6000	"	16	0	32	0
"	6000	" "	10000	"	24	0	48	0
"	10000	" "	25000	"	40	0	80	0
"	25000	" "	50000	"	100	0	200	0
					200	0	400	0
And for every additional 25000 or for any part of every additional 25000 rupees.					100	0	200	0

41. Any lease of any land, house, or other real property at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium. — The same Stamp as for a lease for a period exceeding one year.

42. Any lease of any land, house, or other real property, stipulating for a rent, granted in consideration of a fine or premium. — A Stamp of value equal to the joint value of the stamps for a conveyance inconsideration of the fine and lease for the rent.

	PROPER STAMP.
EXEMPTIONS	
Any lease executed to a ryot or other actual cultivator provided, that no fine or premium be paid as part of the same transaction.	
(FOR MADRAS)	
Every lease or other engagement executed between landlord and tenant, relative to land, in the presidency of Madras, subject to the payment of revenue to Government.	
43. Letter, or power of attorney, not being of the kinds provided for in Schedule B.	4 Rupees.
If the Letter or power of attorney be for the performance of one act only, and the value of the property to be dealt with be expressed in the Letter or Power, and do not exceed 500 Rupees.	1 Rupee.
44. Warrant of Attorney to confess judgement, or cognovit, unless taken as collateral security for the payment of any sum of money secured by another instrument stamped with an *advalorem* stamp under this act.	The same Stamp as for a Bond.
If given for securing any sum of money exceeding 500 rupees, for which the person giving the same shall then be in actual custody under an arrest on *mesne* process or in execution	Rs. 4. As. 0
If given as such collateral security above mentioned.	
Note.—For Wokalutnamas, Mookhtar namas, and other powers required to be filed for the conduct of suits, or proceedings of any kind pending before the Courts of Justice or before the Revenue Authorities.	See Schedule B.
45. Letter of license from a creditor to his debtor.	Rs. 8 As. 0
46. MORTGAGE.—Any deed of mortgage or conditional sale, assignment, pledge, or Hypothecation, or of any acknowledgement in the nature of a mortgage, conditional sale, pledge, or Hypothecation, of or in respect of any immoveable property with or without possession given or of any personal property without possession given, intended as a security for money due or to be lent thereupon ; also any deed or contract accompanied with a deposit of title deeds to any property where the same may be made as security for payment of money due or lent at the time.	The same stamp as for a Bond for the payment of the amount due or lent.
47. Deed of Mortgage or conditional sale, Assignment, pledge, or Hypothecation, or of any Acknowledgment in the nature of a mortgage, conditional sale, Assignment, pledge, or Hypothecation given for a loan or advance made on the deposit of any personal property.	The same Stamp as for a Promissory Note.
48. Deed or mortgage, or conditional sale, Assignment, pledge or Hypothecation with or without possession given of any immoveable property or of any right, title, or interest therein, intended as security for the transfer of a Government security, or for the payment of an Annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued.	The same Stamp as for a Bond for the payment of the total amount assured, or for the bona fide value.

	PROPER STAMP.
49. Deed of Mortgage or conditional sale, Assignment, pledge, or Hypothecation with or without possession given of any immoveable property, or of any right, title or interest therein given for the security of an Annuity for an indefinite period, such as a Life Annuity.	The same stamp as for ten times the annual payment.
Where it may be stipulated that the amount secured by such Mortgage shall not exceed a certain sum.	The same Stamp as for a Deed of Mortgage of such limited sum.
Where the total amount secured by the Mortgage is unlimited.	An optional Stamp—see sec. XXVII. of the Act.
50. Deed of Mortgage where a bond shall have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as a collateral security to some other transaction in which an instrument requiring a stamp has been executed.	The same Stamp as for the Bond or other Instrument, if of value not exceeding eight Rupees otherwise a Stamp of eight Rupees.
Note.—Where there are more Deeds than one required to execute the mortgage in the manner desired by the parties, then for every other Deed than the principal Deed provided the original Deed has been duly stamped.	The same Stamp as for the principal Deed if of the value not exceeding eight Rupees otherwise a Stamp of eight rupees.
EXEMPTION.	
Letter of Hypothecation accompanying a Bill of Exchange.	
51. Mortgage property.—Re-conveyance of.	The same Stamp as for an assignment.
52. Mortgaged property.—Release of an equity of redemption of.	The same Stamp as for a conveyance.
53. Notarial Act.—Any Notarial Act whatsoever not otherwise charged in this Schedule.	Rs. 2 / As. 0
54. Partition by private agreement or made by a public Officer, of an estate or property real or personal, or in the nature of separation of brotherhood, as amongst Hindoos, for each sharers copy of the Deed of partition.	
When the Sharer's portion does not exceed one hundred Rupees in Value.	
Exceeding 100 Rupees value not exceeding 200 Rs.	Rs. 0 / As. 8
200 " " 400 "	1 / 0
400 " " 600 "	2 / 0
600 " " 800 "	4 / 0
800 " " 1,000 "	6 / 8
And for every additional four hundred rupees, or part thereof	8 / 0
	2 / 0
When the subject of the partition consisting either wholly or in part of other property than money, and money not being part of such subject is paid, or agreed to be paid for the purpose of compensating any difference from just proportion in the partition actually made of that subject.	A Stamp of value equal to the joint value of the Stamp which would have been required had the subject of partition been actually divided with the just proportion, and of the Stamp for a conveyance or Deed of sale for a sum equal to the amount so paid or agreed to be paid, for the purpose of compensating the difference therefrom.
55. Policy of Insurance, or other instrument by whatever name the same shall be called, whereby an insurance shall be made upon any life or upon any event depending upon any life or against loss or damage by fire upon any building or property, not of the description mentioned in article 56.	

	PROPER STAMP.	
For every sum of one thousand rupees and also for each every fractional part of one thousand rupees.	Rs. 0	As. 8
56. Policy of Insurance of any ship, vessel, sloop, lighter, boat, or the like or of any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed two per centum on the sum insured.	If executed singly.	If executed in sets of two, each to be Stamped.
If the whole sum insured shall not exceed one thousand Rupees.	Rupees. 8	Annas. 4
If the sum insured exceed one thousand Rupees, for every one thousand Rupees eight annas if executed singly and if executed in a set of two, four annas for each number.	If executed singly.	If executed in set of two each to be Stamped.
Where the premium shall exceed two per cent. on the sum insured if the whole sum shall not exceed one thousand Rupees.	Rupee. 1	Annas. 8

If the sum insured exceed one thousand Rupees for every one thousand Rupees and also for any fractional part of one thousand Rupees whereof the same shall consist, one Rupee if executed singly, and if executed in a set of two, eight annas for each number.

If drawn in a set of more than two, each of the set in excess of two to be stamped as required for each one of a set drawn in a set of two.

Note.—A letter of cover or engagement to issue a Policy of Insurance does not require a stamp, provided that, unless such letter or engagement bear the full stamp prescribed for a Policy of Insurance, no money shall be paid, or payable upon it, nor shall it be filed, exhibited, or recorded in any Court in India otherwise than to compel the delivery of a Policy on the prescribed stamp.

Promissory Note.—see Bill of Exchange.

57. Promissory Note for the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain. — The same Stamp as for a bond for the paymant of the whole amount.

58. Protest of any Bill of Exchange or Promissory Note for any sum of money. — Rupees 2, Annas 0

59. Protests of any commander or master of a vessel. — 2 0

60. Protests, notice of intention of any commander or master of a vessel. — 0 8

61. Receipt or discharge given for the payment of money or in acquittal of a debt paid in money or otherwise, when the sum received, discharged, or acquitted, exceeds twenty Rupees. — Rupees 0, Annas 1

GENERAL EXEMPTION.

Letter sent by post, acknowledging the arrival of a Currency or Promissory Note, Bill of Exchange, or any security for money.

Receipt or discharge for the rent of land paying Revenue to Government, granted to any ryot or other actual cultivator for the rent of land cultivated by him.

Receipt or discharge written upon any Promissory Note, Bill of Exchange, Draft or order for the payment of money, duly stamped.

	PROPER STAMP.	
Receipt or discharge written upon or contained in a Mortgage Deed, or other security, or a Deed of conveyance, settlement, personal bond or other instrument duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby charged.	Rupees 10	Annas 0
Receipt given for money deposited in any Bank, or in the hands of any Banker, to be accounted for, whether with interest or not, provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for provided always that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of any allotment of share, in respect of a call upon any scrip or share of or in any Joint Stock or other Company, or proposed or intended company, which last mentioned receipt or acknowledgment, by whomsoever given, shall be liable to the duty charged upon a receipt.	0	8
62. Release to an executor or trustee from his trust,	The same Stamp as prescribed by article 12 for a Bond for the payment of the amount or value settled or agreed to be settled; or in cases in which, the value shall be indeterminate on optional Stamp—see section XXVII. of the Act.	
63. Schedule annexed or referred to in any Agreement, lease, bond, deed or other instrument per sheet.	1 Anna.	
64. Settlement or marriage settlement &c., namely, any Deed or Instrument, whereby any sum of money, or any Government security or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person in any manner whatsoever	8 Annas.	
65. Shipping order for or relating to the conveyance of any good on board of any ship or vessel.		
66. Warrant.—Bonded Ware-house.		

GENERAL EXEMPTIONS.

Any Deed, Instrument, or Writing of any kind made or executed by or on behalf of the Government by any Government, Board, Commission, Court, Officer, or Agent.

Note—The foregoing exemption does not extend to any Deed, Instrument, or Writing executed by a Court of Wards, Local Agent, or Officer acting under the authority of any such Court or Agent, or by a Municipal Commissioner, or by any Administrator General or a receiver appointed by any Court, neither does it extend to a sale made for the recovery of an arrear of revenue or rent, or in satisfaction of a decree or order of Court, in any of which cases the purchaser shall be required to pay, along with the purchase money, the price of the requisite stamp, or else provide such stamp and shall receive from the Officer conducting the sale a Deed of sale executed on the proper stamp.

Renunciation of land executed by a ryot or other actual cultivator of the land to his land-lord.

	PROPER STAMP.	
Will, testament, and the like, together with a deed merely declaratory of trust or appointment or otherwise, in execution of powers, or pursuant to any previous settlement, Deed or Will.		
Note.—(a) Any Deed, Instrument, or Writing required by the foregoing Schedule to be stamped, may be written on one or more stamps, if the value of the stamps used amount to the value required by the Schedule.		
(b) When of several Deeds, Instruments or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed. In any case, however, where there are more Deeds than one, every other Deed than the principal requires the same Stamp as the principal Deed, if of value not exceeding eight Rupees (which shall be the maximum Stamp for collateral Deeds), and every such collateral Deed shall specify by its contents which other is the principal Deed by which the conveyance has been effected, certifying that it is executed on the proper Stamp.		
4084. SCHEDULE B.		
Referred to in Section 30 of the Act, containing the specification of duties chargeable on Law papers.		
APPLICATION.—*See Razeenamah.*		
1st.—Application presented to the Collector of Customs at any Presidency Town, and application presented to the Municipal Commissioners, or to any Magistrate, or Justice of the Peace, under Act XIV. of 1856 (for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malaca).	1 Anna.	
2nd.—Bail or security bond, or other Obligation, whether of specified amount or with a penalty of a specific sum of money or of indefinite amount, when taken by or by order of any Court of justice, or by any Revenue Authority.	Rupees. 0	Annas. 8
EXEMPTION.		
Bail Bonds in Criminal cases, recognizances to prosecute or give evidence, and personal recognizances for appearance or otherwise.		
3rd.—Certificate granted under Act XXVII. of 1860 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons) if the debts or other property in respect to which the Certificate is granted is sworn not to exceed 500 Rupees.	4 Rupees.	
If exceeding 500 Rupees, but not exceeding, 1,000 Rupees.	8 Rupees.	
And for every additional 1,000 Rupees or any part of every additional 1,000 Rupees.	4 Rupees.	
The party to whom such Certificate is granted, or his heir or representative shall, after the expiration of twelve months from the date of such Certificate, and thereafter whenever the Court which granted such Certificate shall require him so to do, file a statement of all monies recovered or realized by him under such Certificate,		

	PROPER STAMP.	
and if the monies so recovered or realized shall exceed the amount of the debts or other property as sworn to by the person to whom such Certificate is granted, the Court may cancel the Certificate and order such person to take out a fresh Certificate on the Stamp prescribed by this article for such enhanced amount. In default of furnishing such statement within the time allowed, the Court may cancel the Certificate.		
4th.—Copy of Decree if passed in any Court below the Sudder Court or in any Revenue Court in any suit in which the value of the claim amounts to fifty Rupees, or in any regular appeal,	1 Rupee.	
If passed in the Sudder Court in any suit or appeal,	Rupees. 4	Annas 0
5th.—Copy of a Judgment or Order not being a Decree if passed by a Court below the Sudder Court or in any Revenue Court, ..	0	8
If passed by the Sudder Court, ..	1	0
If the Judgment be translated into any other language, application for a copy of the translation may be made on unstamped paper, and copy of the translation may be given in addition to or in place of the copy of the Judgment, and shall bear the same stamp.		
EXEMPTION.		
Copy of any Judgment, Decree, or Order, if passed otherwise than on appeal in any Court below Sudder Court in any suit, or in relation to any suit, or in any Revenue Court, in which the value of the claim does not amount to fifty Rupees when such copy is taken out of the Court making the same.		
6th.—Copy of any Revenue or Judicial Proceeding or Order not provided for in article 5 or falling under the exemption to that article, or copy of any account, Statement, Report, or the like, taken out of any Civil or Criminal Court or any Revenue Court or Office, for use or reference, or when left on proceedings in place of the original withdrawn—per sheet. ..	Rupees. 0	Annas. 8
7th.—Copy of any Deed, Instrument, or Writing stamped in accordance with Schedule A, annexed to this Act when left on proceedings in place of the original withdrawn, ..	The same Stamp as the original when such Stamp does not exceed 8 annas; otherwise a Stamp of 8 annas per sheet.	
EXEMPTION.		
Copy of any such Deed, Instrument or Writing when the original does not require a stamp under the said Schedule A.		
Letters of Administration.—see Probate.		
8th.—Moktarnamah, Wakalutnamah, and other power, filed or presented for the conduct of any case in any Court of Justice, or before any Revenue Authority, or before the Revenue Authorities.		
When presented to the Sudder Court, ...	Rupees. 2	Annas. 0
When presented to the Board of Revenue or other Chief Controlling Revenue Authority, ..	2	0

	PROPER STAMP.	
	Rupees.	Annas.
When presented to a Commissioner of Revenue, or to a Commissioner of Customs, not being the Chief Controlling Revenue Authority,	1	0
When presented to any Court, Civil or Criminal, other than the Sudder Court, or to any Collector or other Revenue Officer, ...	0	8
EXEMPTIONS.		
Moktarnamahs executed by an Officer or Soldier of the Army.		
No stamp is required where counsel is admitted in any case by any Criminal Court to appear on behalf of a prisoner without a written Moktarnamah.		
9th.—Petition of appeal not being from an order rejecting a plaint or from a Decree or order having by any law the force of a Decree and petition or application presented to any Civil Court shall be written upon Stamp Paper of the following value, namely.		
When presented to the Sudder Court,	2	0
When presented to any Court below the Sudder Court,	0	8
Special Rule for Bengal.		
10th.—Petition of appeal to the Board of Revenue or other Chief Controlling Revenue Authority, ...	2	0
Any other petition or application to the Board of Revenue or other Chief Controlling Revenue Authority, ...	1	0
Petition or application not falling within any of the other provisions, or of the exemptions of this Schedule presented to any other Criminal Court, or to any other Revenue Office, ...	0	8
GENERAL EXEMPTIONS.		
Petition or application presented to any Moonsiff's Court, or to any cantonment Joint Magistrate sitting as a Court of Civil Judicature, under Act III. of 1859 (for conferring Civil jurisdiction in certain cases upon cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds), or to any Court of Small Causes constituted under Act XLII. of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature and established by Royal Charter) in relation to any suit or case of amount or value less than fifty Rupees or to a Collector or Deputy Collector in relation to any suit or case of the same amount or value tried under Act X. of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal)		
Application for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of any exhibit.		
Petition of appeal presented to a Magistrate against the Chowkeedary Assessment.		

	PROPER STAMP.	
Communication made to a Magistrate in regard to Police matters not intended for record.		
Petition to a Collector or Officer making a settlement, relating to matters connected with the assessment of lands, the ascertainment of rights, or to any other matter affecting the settlement of the Government Revenue on land, if presented, pending the formation of such settlement.		
Petition to a Board or Commissioner of Revenue relating to the same.		
Petition, application, charge or information respecting any crime or offence. Petition from any prisoner, convict, or other person in duress, or under restraint of the Court or its Officers.		
Exemption for the Presidencies of Madras and Bombay.		
No petition or application to the Revenue Authorities need be presented on Stamp Paper, except as prescribed in the special Rule given at the close of this Schedule with respect to suits cognizable by Collectors in the Presidency of Bombay.		
11th.—Plaint or appeal. Petition of, in suits and appeals not otherwise provided for, instituted in any Civil Court not within the local limits of the jurisdiction of the Courts established by royal charter, for the recovery of any sum of money, or to obtain possession of any interest, matter or thing.		
If the amount or value of the property claimed does not exceed ... . 16 Rupees.	Rupees.	Annas.
Above 16 Rs. and not exceeding ... 32 "	1	0
" 32 " " 64 "	2	0
" 64 " " 150 "	4	0
" 150 " " 300 "	8	0
" 300 " " 800 "	16	0
" 800 " " 1,600 "	32	0
" 1,600 " " 3,000 "	50	0
" 3,000 " " 5,000 "	100	0
" 5,000 " " 10,000 "	150	0
" 10,000 " " 15,000 "	250	0
" 15,000 " " 25,000 "	350	0
" 25,000 " " 50,000 "	500	0
" 50,000 " " 1,00,000 "	700	0
" 1,00,000	1,000	0
	2,000	0
If the suit be instituted in a Military Court of request, or in the Court of a Cantonment Joint Magistrate under Act III of 1859, and the amount or value claimed, do not exceed 8 Rupees,	0	4
If it exceed 8 rupees but do not exceed 16 Rupees,	0	8
If it exceed 16 Rupees but do not exceed 32 Rupees,	1	0
If it exceed 32 Rupees,	The same Stamp as for a suit in any other Court.	
In suits for possession instituted under Section XV. Act XIV. of 1859,	A Stamp of one-fourth the value prescribed in the foregoing scale.	
Note.—(*a.*) In suits for lands paying Revenue to Government, not situate within the Presidencies of Madras, and Bombay, if forming		

	PROPER STAMP.	
one entire Mehal, or a specific portion thereof with a defined jumma subject to revision, the value shall be assumed at the amount of the annual jumma payable to Government on account of the Mehal or portion thereof as aforesaid ; and where the land has been assessed in perpetuity, at three times the amount of the annual jumma. (*b.*) Within the Presidency of Madras, in suits for land paying Revenue to Government, the value of the property shall be assumed at the amount of the annual aggregate produce of the land computed as payable by the dependant Talookdars, Under Farmers, and Ryots on account of the year in which the suit may be preferred. (*c.*) Within the Presidency of Bombay, in suits for land paying Revenue to Government, the value of the property sued for shall be calculated at the amount of the annual assessment. (*d.*) In suits for lands exempt from the payment of Revenue, the value shall be calculated at eighteen times the aggregate annual rent payable by the Ryots or other under-tenants of the land. (*e.*) In suits instituted for houses, gardens, and other things of value, real or personal, not of the descriptions above specified ; as well as for any interest in land paying Revenue to Government or for any other right or thing not capable of valuation under the above rules, the amount shall be computed according to the estimated selling price, or when no such estimate can be made, at the sum at which the plaintiff shall estimate the value of his suit ; and suits for damages or compensation for injury sustained, and the like shall be valued at the amount claimed by plaintiff. (*f.*) If an appeal or plaint, which shall have been rejected by the Lower Court on any of the grounds mentioned in the Code of Civil Procedure shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the Lower Court, the Appellate Court, shall grant to the Apellant a certificate, authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal. *Special Rule for the Presidency of Bengal.* (*g*) In suits instituted in the Courts of Collectors and Deputy Collectors under Act X of 1859, for the recovery of arrears of Government Revenue or rent of land paying Revenue to Government or of money in the hands of an Agent of such land, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Courts, and in all other suits instituted in the Courts of Collectors and Deputy Collectors under the said Act relating to lands paying Revenue to Government, the statement of claim shall be written on paper bearing a Stamp of the value of 8 annas.		
12th. Probate or Letters of Administration granted by any Court, or Certificate granted under Regulation VIII. 1827 of the Bombay Code (to provide for the formal recognition of Heirs, Executors,	Rupees. 4	Annas. 0

	PROPER STAMP.
and Administrators, and for the appointment of Administrators and Managers of property by the Courts) or under Act XL. of 1858 (for making better provisions for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.)	
13th.—Razeenamah, Rufanamah, Soolunamah, or the like, that is to say :—	
Any written application whereby, or according whereunto, a suit pending in a Court of Civil Judicature shall be adjusted, or be capable of adjustment, without an award of the presiding Judge or other Officer.	To be charged as in Petitions, where Petitions are required to bear a Stamp.
Special Rule for the Presidency of Bombay	
Suits cognizable before Collectors under the operation of chapter VIII. Regulation XVII. 1827 of the Bombay Code, (for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative rights in the land and its produce of the Government and the subject, of the superior holder and the tenant ; vesting the Collector with the judicial powers in cases regarding land, and its rent and produce, and declaring the circumstances under which exemption from the payment of Land Revenue is to be enjoyed,) as modified by Act XVI. of 1838, shall be subject to the same rules in regard to Stamps as are in force for the Courts of Civil Judicature.	
General Rule.—If the subject matter of any plaint, written statement, petition, or copy of a Decree or order cannot be conveniently comprised within one Stamp Paper of the value prescribed by this Schedule, one or more additional pieces of paper may be used bearing a Stamp of the value required for Petitions. This Rule does not apply to copies of judgments ; any additional piece of paper required for such copies do not require to be stamped.	

4085. With reference to the notification No. 176A, dated 30 July 1862 appointing Mr. W. Johnston, of the Civil Service, to be Commissioner of Stamps in the North Western Provinces, Officers of all Departments under this Government are hereby required to afford to that Officer every facility for inspecting and examining their records, for the purpose of ascertaining whether the provisions of Act X. of 1862 are fully observed or not.—*Govt. Order W. P. No.* 219*A*, *Sept.* 24, 1862, *para.* 1.

Public Officers to allow Commissioner of Stamps to inspect their records.

4086. The same Officers are requested invariably to report to the Commissioner of Stamps all cases of a misapprehension or an evasion of the stamp law above referred to, which may come to their notice, whether such cases are made the subject of a prosecution or not.—*Ibid, para.* 2.

And to report to him all cases of misapprehension and evasion of the Stamp Law.

4087. A Commissioner of Stamp Revenue having been appointed in the North Western Provinces all Collectors of Stamp Revenue are hereby required to address that Officer direct on all matters relative to the Stamp Department and its management.—*Govt. Order W. P. No.* 220*A*, *Sept.* 24, 1862, *para.* 1.

Collectors to address him in matters relating to Stamp Department.

4088. Indents for stamps will be sent to the Commissioner of stamps for examination, and transmission thereafter to the Presidency for compliance.—*Ibid, para.* 2.

Indents to be sent to him.

4089. Periodical Returns will be submitted to the Commissioner of stamps according to the instructions which may be received from him on that behalf.—*Ibid, para.* 3.

Periodical Returns.

4090. With reference to the 2nd Clause of the Government Notification No. 219A, September 24th, 1862, Magistrates are to forward to the Commissioner of Stamps a quarterly Statement in the accompanying form showing the result of prosecutions on account of infringement of the Stamp Law in their District.

1	2	3	4		5.
District.	Names of parties proceeded against.	Charges.	Final orders passed in the case.		Remarks.
			Convicted.	Acquitted.	

(2.) In the 3rd. column the Section of the Stamp Act under which the prosecution arose should be entered, and in cases of conviction, the sentence passed should be given in Col. 4. (3.) The above statement should be forwarded to the Commissioner's Office, on the 4th of the months of July, April, and October in each year.—*C. O. Commissioner of Stamps W. P. No.* 1, *Nov.* 15, 1862.

Extension of Act X. of 1862 into the central Provinces.

4091. Act X. of 1862 is extended in to the central provinces in supercession of Act 36 of 1860 and of all or any local rules now obtaining in these provinces regarding Stamp Duties. The Officiating Chief Commissioner of the Central Provinces is empowered to cause the working of the Act to be supervised by the Judicial Commissioner, the executive part resting with the Commissioners and Deputy Commissioners.—*Order of Govt. of India No.* 251, *June* 17, 1862.

Receipts on Pay Abstracts need not be stamped but those for pay of officials of more than 20 Rs. a month should be.

4092. The general receipt given by the head of an Office on the back of a Pay Abstract is not liable to a Stamp Duty, the receipt being executed in this instance by an Officer of Government in his Official capacity and acting on behalf of Government, but when the amount of the Pay Abstract comes to be distributed, the receipts of the payees for salaries exceeding 20 Rupees a month must have a stamp of one anna affixed to each, like other receipts given for the payment of money. The taking of such receipts on the back of a general Pay Abstract does not form any ground of exemption.—*Order of Govt. of India, No.* 3867, *July* 31, 1862.

Rule regarding stamps to be used for powers of attorney drawn up in India for use in England and *vice versa*.

4093. With reference to the enquiry regarding stamps to be used for powers of Attorney drawn up in India for use in England, and *vice versa* I am directed to forward herewith the accompanying copy of the standing counsels opinion on the subject. I am at the same time desired to point out that, where a document is executed here, but is intended to operate in England, solely the question as to the validity of the deed would only arise in that country, and it is perhaps at the option of the party executing it to have the instrument stamped, or not, as he considers best for his own interest.—*Letter of Govt. of India No.* 5218, *Sept.* 25, 1862 ; *Govt. Ord. W. P. No,* 55, *Oct.* 24, 1862.

Documents executed in India ought to bear Indian Stamp.

4094. Documents ought to bear an Indian stamp according to Act X. of 1862 if they are *executed* in this country. The mere facts of the document in one case bearing an English Stamp, and relating to matters to be done in England, do not affect the question, which, so far as the payment of Stamp Duty here is concerned, is merely whether the document was *executed* in this country.—*Opinion of Standing Counsel Sept.* 22*nd,* 1862 *para.* 1.

Case where a document executed out of India is intended to operate in India.

4095. The question becomes one of more difficulty when a document is executed in England or elsewhere, but is intended to operate here. The English Stamp Acts (1 Geo. 4 c. 55) provide for these cases, and attach the duty, and the Bank of England and other Departments require powers of Attorney executed abroad to be stamped in England. The Act X. of 1862 however, contains no such provisions, and in the present state of the law here, an Indian Stamp cannot be insisted on by Public Departments in the case of a simple power of Attorney executed by all the grantors in England or elsewhere out of the Indian Territories.—*Ibid, para.* 2.

4096. As a general rule, the courts of one country do not recognize the revenue laws of foreign countries, (including under that term its own colonies or Settlements) but in regard to the stamp laws there is a distinction established (which however, principally concerns the public,) viz. that where the law of a country makes a contract entered into there *void* for want of a stamp the contract cannot be sued on in any foreign court which recognizes the *lex loci* contractors as governing the contract, but otherwise, if the law only makes the instrument of contract *inadmissable inevidence.*—*Ibid. para.* 3.

Courts of one country do not recognize generally the revenue laws of another.

Bristow v. Sequeville 5, ex. ch. 275.

4097. There are obviously three points of view from which this matter of stamps may be regarded, that of the payer, the receiver, and the general public to whom any instrument is tendered. The payer is anxious to be on the safe side, for in case of a law suit the Deed may have to be produced, and is therefore generally found willing in doubtful cases to pay the Stamp Duty. The Government, as receiver, on the other hand, has only to see that its own stamp law is observed, and that the instrument for which a stamp is required falls under one of the heads mentioned in the Act regardless of the question whether any duty has been paid elsewhere. The class of the public, again (comprising the Government itself in the Departments to which instruments are tendered to be acted on) have to ascertain that the local law is observed, and also to some extent that the instrument is not void by the law of the country in which it purports to have been executed.—*Ibid, para.* 4.

Parties affected by and interested in Stamp Law.

4098. On this latter point if a document is tendered purporting to have been executed in the United Kingdom, though made for operation here, and it bears an English Stamp, it may be acted upon generally without inquiry as to the sufficiency of the stamp, but if under such circumstances it bears no stamp, it should be referred for orders in each particular case.—*Ibid, para.* 5.

Documents executed in the United Kingdom bearing an English stamp can generally be acted upon

4099. According to commercial usage there is a difference between Bills of Exchange payable at sight and the same payble on demand. A Bill of Exchange payble at sight or at a certain time after sight must be presented for acceptance in order to settle the time when it is to be paid, and the date of the acceptance must be noted therein after being accepted; certain days of grace (varying in different countries) are demandable on the other hand; a Bill of Exchange payable on demand, without any period for payment specified, is payable on presentment, no preliminary acceptance by the drawee being necessary, and no days of grace being allowed. The law relating to Promissory Notes and Cheques is generally the same as that in regard to Bills of Exchange, and it has been ruled, that where the wording of an instrument is so equivocal as to render it uncertain whether it is a Bill of Exchange or a Promissory Note, the holder may in proceeding against the drawer treat it as either. In this country it appears that Hoondees payable at sight (Hoondee Durshunee dain dena) are, strictly speaking, payable on demand, for no acceptance is necessary to fix the date of payment, and no period of grace is allowed after acceptance. The one anna Stamp for all sums exceeding 20 Rupees (twenty) is necessary for Hoondees of this nature.—*Letter of Supt. of Stamps Oude, July* 7, 1862, *Com. of Stamps W. P. Nov.* 4, 1862.

Difference between Bills of Exchange payable at sight and those payable on demand.

Promissory Note and Cheques.

Stamp for *Durshunee* Hoondees (Act 10 Sch. A. Act X. 1862.

4100. Under Section 9 Act X of 1862 the Governor General in Council is pleased to make the following order.

The "Stamps" other than Adhesive Stamps to be used under Act X. 1862, shall be paper, or other material for writing on, bearing on the upper part an impressed stamp of a round or oval form, which shall be impressed in one of the Government Stamp Offices. The impressed stamp shall specify in the English language, and also in such case as shall seem expedient to the Board of Revenue, or other chief Revenue authority, in one or more oriental languages, the amount of the sum purporting to be charged as Stamp Duty on such paper, or other material. Provided that, if necessary, more than one impressed stamp may be borne upon such paper, or other material, in order to make up the full amount of the sum purporting to be charged as Stamp Duty on such paper or other material.

Substance of which stamps other than adhesive stamps are to be composed.

The "Adhesive Stamps" to be used under Act X of 1862 shall bear an impression of the Queen's head, and the amount of the sum purporting to be charged as Stamp Duty shall be denoted on the face of the stamps in the English language. Provided that, when Adhesive Stamps are allowed to be used, more than one Adhesive Stamp may be affixed on the same Deed, Instrument, or Writing, in order to make up the full amount of the Stamp Duty chargeable on such Deed, Instrument, or Writing under the Act. —*Order of Govt. of India No.* 2664, *May* 30, 1862.

Do. Adhesive Stamps.

Rules for the vend of stamps and the rates of discount to vendors W. P.

4101. The following rules are prescribed with the sanction of Government regarding the vend of stamps and the rates of discount to vendors.

1. Stamps exceeding the value of rupees 100 each are to be sold at the Sudder Treasuries only. 2. All Tehsildars are to hold a small supply of Stamps of values from Rupees 25 to Rupees 100, and in virtue of their Office are required to sell them without any allowance for discount. 3. The Tuhvildars, Fotehdars or Agents appointed by Sudder Treasurers will, as heretofore, be entrusted with the sale of Stamps of values below Rupess 25, with the usual allowance of 2 per cent. discount. 4. Non-Official Agencies for the sale of Stamps below Rupees 25, should be established at the least in every town with a population of 2,000 persons and upwards. Collectors are desired to use all proper means to induce bankers and respectable shop-keepers to undertake the sale of stamps. The following rates of discount will be allowed to such non-official venders :—

For Stamps of 10 Rupees value and upwards to 24 Rupees in quantities of not less than 100 Rupees nominal value, a discount of 4 per cent. For Stamps of 8 Rupees value and under in quantities of not less than 50 Rupees nominal value, a discount of 6 per cent. V. Rule IV. applies to Stamps for Deeds, Instruments, or Writings, and law papers. The discount allowed on Bill Stamps, and Adhesive Stamps will be one anna in the Rupee or 6¼ per cent. To entitle a purchaser to this discount the quantities purchased must not be less than the following :—

	Quantities to be purchased.
Adhesive Stamps and Bill Stamps up to 3 annas value, ...	10 Rupees nominal value.
Bill Stamps 6 annas to 6 Rupees value, ...	20 " "
Do. 12 Rupees to 24 Rupees value, ...	48 " "

These Stamps as well as those in Rule IV. should be vended by bankers and shop-keepers, but Collectors should also use their influence to induce putwarees, bunyas, and other village dealers to purchase Adhesive and Bill Stamps for vend. 6. In all cases cash (less the discount) must be paid by vendors for the Stamps purchased by them. There will, therefore, be no necessity to take security from them. 7. The Government is altogether averse to the employment of informers and to the indiscriminate reception of complaints from private persons of the infraction of the Stamp Law by others, but in the event of instances of wilful infringement of the Law coming to the notice of Collectors they will prosecute the offender under Section 52 of the Act.—*C. O. S. B. of R. W. P. July* 9, 1862.

SECTION XXXVI.

OF STATE OFFENCES AND OFFENCES COMMITTED DURING THE DISTURBANCES OF 1857 AND 1858.

Executive Government may issue a commission for the trial of persons charged with certain offences in any proclaimed district.

4102. Whenever the Executive Government of any Presidency or place within the British Territories in India shall proclaim, that any district subject to its Government is or has been in a state of rebellion, it shall be lawful for such Government to issue a Commission for the trial of all persons who shall be charged with having committed within such District, after a day to be specified in the Commission, any of the crimes mentioned in the preceding Sections,* or any other crime against the state, or murder, arson, robbery, or other heinous crime against person or property.—*Act, XI.* 1857, *sec.* 3, *cl.* 1.

* Rebellion, waging war against the Queen or the British Government attempting to wage such war, or instigating or abetting the above offences.

4103. The Commissioner or Commissioners authorized by any such commission may hold a court in any part of the said District mentioned in the commission, and may there try any person for any of the said crimes committed within any part thereof; it being the intention of this Act, that the District mentioned in the commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one district.—*Act XI.* 1857, *sec.* 2.

Court may be held in any part of the District.

4104. It shall be lawful for the Executive Government, by such commission, to direct that any court held under the commission shall have power, without the attendance or futwa of a law Officer, or the assistance of Assessors, to pass upon every person convicted before the court of any of the aforesaid crimes any sentence warranted by law for such crime; and that the judgment of such court shall be final and conclusive; and that the said court shall not be subordinate to the Sudder Court.—*Ibid, sec.* 4.

Government may vest certain powers in the court.

4105. If a commission be issued under the authority of this Act, any Magistrate within the District which is described in the commission, may commit persons charged with any of the aforesaid crimes within such District for trial before a court to be held under this Act.—*Ibid, sec.* 5.

Magistrate may commit persons for trial before a court held under this Act.

4106. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.—*Ibid, sec.* 6.

Act not to apply to British born subjects or their children.

4107. Whenever the Executive Government shall deem it necessary for the public safety, it shall be lawful for such Government to declare, by proclamation, that from and after a day to be named therein, it shall not be lawful for any person, or for any specified class of persons, to carry or have in their possession any arms or instruments used for warlike purposes, or any specified description of arms or instruments aforesaid, within any District mentioned in the proclamation.—*Ibid, sec.* 7.

Government may issue proclamation prohibiting the carrying or possession of arms in any District.

4108. After the day named in the proclamation, whoever shall carry, or have in his possession, any arms or other such instrument as aforesaid contrary to the proclamation shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding six months; and the arms or other such instrument as aforesaid shall be confiscated.—*Ibid, sec.* 8.

Penalty for unlawful possession of arms, &c.

4109. If shall be fawful for a Magistrate, by warrant, to cause search to be made in any house or other place in which there may be reasonable grounds for suspecting that any arms or other such instrument as aforesaid, kept contrary to the proclamation, may be found; and any such arms or instrument may be seized and confiscated.—*Ibid, sec.* 9.

Magistrate empowered to search houses, &c. and to seize arms.

4110. Nothing in Sections 7, 8, and 9 of this Act shall extend to any person who may be exempted by the authority of the Executive Government from the prohibition contained in such proclamation.—*Ibid, sec.* 10.

Government may grant exemption to certain persons.

4111. The word "Magistrate" in this Act shall include any person lawfully exercising the powers of a Magistrate, and any assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act.—*Ibid, sec.* 11.

Interpretation

4112. Every Officer and soldier or other person subject to the articles of war for the native army, who shall be convicted of mutiny, shall forfeit all his property of every description.—*Act* XXV, 1857, *sec.* 1.

FORFEITURE of PROPERTY.

Forfeiture of proprtey on conviction of mutiny.

4113. If any persons who shall have committed treason or any offence for which, by this Act, or Act XI. 1857, or Act XIV. 1857, or Act XVI. 1857, his property is declared to be forfeited, shall have been killed, or shall have died, or shall have escaped out of the territories of the British Government, before he shall have been convicted of the offence, or cannot after diligent

Adjudication of forfeiture in case of death or escape of offender before conviction of an offence for which

property is liable to be forfeited.

search be found; any court or other authority which might have tried such offender, if he could have been brought to trial, shall, upon the application of the Magistrate or other Officer authorized by Government to make such application, hold an enquiry, and on proof that the person charged with having committed the offence was guilty thereof, and that he is dead, or has escaped out of the territories of the British Government, or connot after diligent search be found, shall adjudge that all the property of such offender shall be forfeited to Government.—*Ibid, sec.* 2.

Forfeiture to extend to all property possessed by the offender at the time of the commission of the offence; except negotiable security received in good faith and with due caution.

4114. The forfeiture whether upon conviction of such an offence as aforesaid or upon an adjudication of forfeiture under this Act, shall extend to all property and effects of or to which the offender shall have been possessed or entitled, either at the time of committing the offence or at the time of the conviction or of the adjudication of forfeiture, or at any intermediate time; and no sale, alienation, or other disposition of such property, made subsequently to the commission of the offence or made at any time with the fraudulent intention of preventing a forfeiture, shall have any effect against the right of Government to the forfeiture. Provided that nothing in this Section contained shall affect any transferree of any negotiable security, who shall prove that he acquired the same in good faith and with due caution for valuable consideration. —*Act, XXV.* 1857, *sec.* 3.

Forfeiture of land alienated without valuable consideration before the commission of the offence; unless alienation made and registered three months before.

4115. All immoveable property of the offender which shall be alienated after the passing of this Act and before the commission of any offence specified in section 2, shall be forfeited in the same manner as if no such alienation had been made, unless the alienation be made in good faith and for valuable consideration, or unless the same shall have been made and registered more than three months before the commission of the offence.—*Ibid, sec.* 4.

Court may specify in the conviction the day on which the offence was committed.

4116. The court, or other authority by which the offender shall be convicted or the forfeiture shall be adjudged, may specify in the conviction or adjudication the day on which the offence was committed, if it can be ascertained.—*Ibid, sec.* 5.

What matters shall be proved by the conviction or adjudication.

4117. In any proceeding concerning property alleged to have been forfeited, the conviction shall be conclusive evidence that the offence was committed, and (if the day be specified in such conviction) that the offence was committed on that day; if the day be not specified, the conviction shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge. In any such proceeding, an adjudication of forfeiture under this Act shall be *prima facie* evidence of the commission of the offence, and (if the day be specified in the adjudication) that the offence was committed on that day; if the day be not specified, the adjudication shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge. Any adjudication under this Act shall be filed with and may be proved in the same manner as the records of the principal court of criminal jurisdiction of the District.—*Ibid, sec.* 6.

Procedure for obtaining possession of forfeited property.

4118. After the conviction or adjudication, the Collector or other chief Officer appointed by Government for the Collection of revenue, or any other Officer whom the Government may specially appoint, may seize and take possession of the forfeited property: if he required the assistance of a court to enable him to obtain possession of any such property by reason of any dispute respecting the title to the same or for any other cause; the principal Civil Court of Original Jurisdiction of the District in which the property is situate may, upon the production of a certified copy of the coviction or adjudication, hear and determine in a summary manner upon petition any matter in dispute relating to such property. Any order which may be passed by the

court shall not be subject to appeal; but the party against whom the same may be given, by any court other than one of her Majesty's Supreme Courts of Judicature, shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.—*Ibid, sec.* 7.

Forfeited property or the proceeds to be restored upon proof that escape was not for the purpose evading justice.

4119. In case any person whose property shall have been so adjudged to be forfeited shall within one year after the seizure of any part of his porperty as a forfeiture surrender himself, and shall upon trial before a competent court be acquitted of the offence, his property or the proceeds thereof shall be restored upon proof, to the satisfaction of the court, that he did not escape or keep out of the way for the purpose of evading justice.—*Act* XX*V.* 1857, *sec.* 8.

Limitation of suits &c.

4120. No suit or other proceeding shall be had or taken on account of the seizure of any property seized in persuance of this Act, or for the restoration or recovery of such property or of the proceeds thereof, unless the same be instituted within one year from the time of the seizure.—*Ibid, sec.* 9.

Power to secure property before forfeiture in certain cases.

4121. In case it shall appear to a Magistrate that there is a reasonable ground to suppose that any person is guilty of any offence specified in section 2 of this Act, and that any property liable to forfeiture for the offence is likely to be made away with, it shall be lawful for the Magistrate to attach such property and secure the same until the trial of the offender, or until an enquiry for the purpose of adjudication under this Act shall be had.—*Ibid, sec.* 10.

Interpretation.

4122. The word "Magistrate" in this Act shall include any Officer competent to commit for trial for any offence specified in Section 2 of this Act.—*Ibid, sec.* 11.

TRIBUNALS May be tried before the ordinary tribunals

4123. It is competent for the ordinary tribunals to try charges of treason, rebellion, or other crime against the state.—*Act, V.* 1841, *sec.* 1.

But Government may issue a Commission for the trial of such offences.

4124. It is competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion, or crime against the state by one or more Judges, together with such law Officers as are required, or without any such Officer, according as it is deemed expedient.—*Ibid, sec.* 2.

Otherwise, the ordinary courts are to proceed as

4125. If Government does not see fit to take the case out of the ordinary administration of Criminal Justice, the ordinary tribunals, established for the trial and punishment of offenders, are to proceed as usual.—*N. A. R. vol.* 2, *page* 429.

Such special courts are to be guided by the same rules as ordinary courts, except that their sentence is to be reported before execution to the Nizamut Adawlut and they are to be guided by special orders of Govern

4126. The courts, convened under such commissions, are to try the prisoners brought before them in the same manner as in trials before the ordinary courts; and are to exercise all powers and authorities vested in such courts, except that their sentence, whether of acquittal or punishment, is in every instance to be reported with their proceedings to the Highest Court [of the Indian Government] for criminal matters of the presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation, or by any Act of the Governor General in Council, by the special orders, which they receive from the Executive Government, or from the Highest Court [of the Indian Government] for criminal matters in the presidency.—*Act V.* 1841 *sec.* 3.

Rule in case of the death or absence of any Judge or law Officers of such courts.

4127. In case of the death, or of the absence from indisposition or other cause, of any of the Judges or Law Officers of the Courts, which are appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, are to be competent to form a court, and to proceed with the trial or trials, until provision can be made by Government for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision is deemed necessary; or, if no such provision is made, the powers and proceedings of the said courts are not to be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.—*Ibid, sec.* 4.

Nizamut Adawlut to proceed as usual, but to report their sentence to Government.

4128. The highest courts [of the Indian Government] for criminal matters of the respective presidencies, on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the Executive Government of the presidency for the time being; and are to wait the orders of Government for the period of three calendar months, before they direct their sentence to be carried into execution.—*Reg. V.* 1841, *sec.* 5.

Magistrates are to give information of such offences to Government, and to be guided by the special orders of Government.

4129. Where any person or persons are charged with the crimes mentioned in this Act, the Magistrates are to give immediate notice thereof to the Government; and are to pay immediate and strict attention to all orders, which are transmitted to them by Government for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the ordinary courts, or before the special courts described in this Act,—*Ibid, sec.* 6.

Judges should not proceed with trial until the orders of Government have been received.

4130. A failure to report the case to Government, was held in sufficient to vitiate the trial, as the Act does not deprive the ordinary courts of their cognizance; but the judge was directed to abstain from trying prisoners in similar cases, until the formality had been complied with.—*Reports L. P.* 1856, *part* 2, *page* 116.

Jurisdiction of Supreme Courts.

4131. The Act is not to be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.—*Act, V.* 1841. *sec.* 7.

MARTIAL LAW. The functions of the ordinary Criminal Courts may be suspended, and martial law established during war, or open rebellion in such case persons owing allegiance to British Government may be tried by courts martial for overt acts of rebellion, or for assisting the enemy.

4132. The Governor General in Council is empowered to suspend, or to direct any public authority, or Officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal courts of judicature within any zillah, district city, or other place within any part of the British territories subject to the Government of the presidency of Fort William, and to establish martial law therein for any period of time, while the British Government in India is engaged in war with any native or other power; as well as during the existence of open rebellion against the authority of the Government in any part of the territories aforesaid; and also to direct the immediate trial by Courts Martial of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being resident, within its territories and under its protection, who are taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the state, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.—*Reg X.* 1804, *sec.* 2.

Such persons found guilty of such offences to be punished with death; and confiscation of all property and effects.

4133. Any person born, or residing, under the protection of the British Government, within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, is guilty of any of the crimes specified in the preceding Section, and who is convicted thereof by the sentence of a Court Martial during the suspension of the functions of the ordinary crimial courts of judicature, and the establishment of martial law, is liable to the immediate punishment of death, and is to suffer the same accordingly by being hung by the neck till he is dead. All persons who, in such cases, are adjudged by a Court Martial to be guilty of any of the crimes specified in this regulation, are also to forfeit to the British Government all property and effects, real and personal, which they possessed within its territories at the time when the crime, of which they are convicted, was committed.—*Ibid, sec.* 3.

But these provisions do not preclude the trial of such offence by the ordinary or

4134. The Governor General in Council is not precluded by this regulation from causing person charged with any of the offences, described in the present regulation, to be brought to trial at any time before the ordinary courts of judicature, or before any special court appointed

for the trial of such offences, under Act V. 1841* instead of causing such persons to be tried by Courts Martial, in any cases, in which the latter mode of trial does not appear to be indispensably necessary.—*Ibid, sec.* 4.

the special courts described above by order of Government.

4135. Whenever martial law is proclaimed in the District under his authority the Magistrate is to direct all Officers in command of troops, which are employed within his Jurisdiction, to act under the proclamation until it is recalled; leaving it to the discretion of such Officers to confine the operation of the proclamation to the principal person, or persons, concerned in any of the acts of rebellion described above, or to extend it to their principal adherents and followers, as the exigency of the case may require. If any person, charged with any of the overt acts of rebellion specified in Reg. X. 1804, is apprehended by any Military Officer, when not in the actual commission of offences of that description, he is to be delivered over by the Military to the Civil power; and the Magistrate is to commit him to close custody, and to adopt the necessary measures for bringing him to trial on a charge of high treason.† The Magistrate is to attach all property, whether real or personal, which is situated within his jurisdiction, belonging to any person or persons, who are guilty of overt acts of rebellion against the authority of Government; and to continue such property under attachment until the pleasure of Government on the occasion is known. Whenever he attaches landed estates in virtue of this order, he is to place the same under the management of the Collector of the District, with instructions to adopt the proper measures for realizing the revenues of such estates. Should the property of the rebels be situated in any other District, he is to make the necessary communication to the Magistrate of such District, requiring him at the same time to attach the property in question, and to continue the same under attachment until he is furnished with the orders of Government for his further guidance in the disposal of the property. If any property of persons, charged with acts of rebellion against the state, is attached by any Military Officers, it is to be delivered over to the Magistrate, whether the owners have been taken in arms or otherwise, and to be retained under attachment pending the orders of Government. The Commander-in-Chief was required to make these rules known to all Military Officers, and to enjoin a strict adherence to them in all cases to which they are applicable.—*Govt. Order, April* 11, 1805.‡

Rules for the guidance of a Magistrate, in whose District Martial Law is proclaimed

Persons apprehended by Military Officer when not in the actual commission of overt acts of rebellion, are to be delivered over to the Civil Power.

Magistrate is to attach all property belonging to such persons, placing the landed estates under the management of the Collector.

Military Officers attaching property are to make it over to the Magistrate.

4136 It was held that the Magistrate ought to have proceeded as for resistance of process against certain parties assembling to resist by force and arms the authority of the Police Officers. But the criminality of the resistance was not affected by the illegality of the Police Officers' proceedings.—*N. A. R. vol.* 2, *page* 225.

Resisting the Police does not amount to rebellion.

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* The original mentions Reg. IV. 1799 and (Ced. Prov.) Reg. XX. 1803; but Act, V. 1841 has entirely superseded those regulations, their provisions being re-enacted in it with some modifications.

† In English Law high treason comprises, besides offences more immediately against the person of the Queen, the levying war against the Queen by assembling with a number of persons (three or four is sufficient) armed and arrayed in a warlike manner with the intent to endeavour by force and arms to subvert the constitution and Government of the realm; to force the Queen to put away her ministers, or any councillor or other Magistrate; to hold or defend any of the Queen's castles, &c., against the Queen or her forces, or to deliver them to rebels by treachery; to effect innovations of a public and general nature; or to obtain the repeal of a statute, or the redress of any public grievance, real or pretended:—the adhering to the Queen's enemies, by giving any assistance to such enemies unless on a well grounded apprehension of immediate death in case of refusal; by joining such enemies in acts of hostility against the realm, or even against the Queen's allies, although no acts of hostility are committed; or by sending money, arms, intelligence, or the like, to the Queen's enemies, although such money intelligence, &c., be intercepted and never reach them.—and the conspiring to incite foreigners to invade the realm. In all these cases some overt act must be proved.—*Blacketone Comyns, and Archbold.*

‡ Harington's Analysis, vol. 1, page 350.

PRECEDENTS. Seditious practices and disturbing the peace.

4137. Teepoo Paugul, the head of a religious sect, dissuaded the ryots from paying rent to the Zemindars and working on the Military road then in course of formation by order of Government; and collected rents and exacted contributions from the people on the faith of his sacred character, and under the pretence that he would soon become *Bادشاه*, or King of the country. He also established a place called the regal court, and collected arms therein. The consequences of this conduct were various disturbances, in which the Officers of Government were resisted, and several Police Officers and other people murdered; but it did not appear that he was personally concerned in any of these outrages. The Nizamut Adawlut held that the whole of his conduct was too ridiculous and paltry to admit of its being considered high treason against the state; and he was accordingly convicted of seditious practices, and disturbing the peace, and sentenced to imprisonment for 5 years with labor.—*N. A. R. vol.* 2, *page* 429.

Rebellion attended with various murders and other enormities, and attacking the Magistrate.

4138. Teetoo Meer, having acquired reputation for sanctity, collected about him a numerous body of followers, engaged in serious acts of outrage and rebellion, committed various murders and other enormities, and opposed by force of arms the Joint Magistrate of Barasot, who went out to quell the disturbance, killing several of the sepoys and others of his guard. He was killed by the Military forces sent out against them; but 184 of his followers were put upon their trial, charged with rebellion, attended with murder and wounding, and attacking the Joint Magistrate. The only justification attempted was that certain complaints preferred by them in the Joint Magistrate's Court had been dismissed. The Court convicted one of having headed the insurgent force, he having been conspicuously and actively engaged in the attack and massacre of the Joint Magistrate's party, and sentenced him capitally;—13 convicted of the ppincipal charge were sentenced, 11 to imprisonment for life, and 2 in consequence of their youth (aged 18 and 20) for 7 years;—109 convicted of the minor part of the charge were sentenced, 81 ringleaders to imprisonment for 5 years, 40 for 4 years, 38 for 3 years, 10 for 2 years (9 in consideration of wounds, and 1, the son of Teetoo Meer, with reference to his youth and the evil influence and untimely loss of his father,) and 3 discharged without punishment in consequence of loss of limbs from wounds;—57 were acquitted and released, 3 died before trial, and one was found to be insane.—*N. A. R. vol.* 4, *page* 198.

ROYAL AMNESTY. Attention of Officers called to it.

4139. I am directed by the Right Hon'ble the Governor General to call the attention of all persons exercising Judicial or Magisterial powers, to the Royal Act of Amnesty, pard on and oblivion, which, by command of the Queen, has been proclaimed to the people of India.—*C. O. Govt. W. P. No.* 4582, *Nov. 5th*, 1858, *para.* 1.

Pardon extended to all with the exception of murderers.

4140. Pardon is announced from the Throne in the following terms: —

"Our clemency will be extendend to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such, the demands of Justice forbid the exercise of mercy.

Case of persons who gave asylum to murderers and of leaders or instigators in revolt.

"To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but, in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shewn to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

"To all others in arms against the Government, We hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and Dignity, on their return to their homes and peaceful pursuits.

"It is our Royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the first day of January next."—*Ibid, para.* 2.

4141. The Right Hon'ble the Governor General expects, and requires all Officers holding civil authority under this Government, to give prompt and complete effect to these paragraphs of the Proclamation.—*Ibid, para.* 3.

4142. All Judges and Special Commissioners will forthwith examine the indictments upon which each prisoner, whose case is now pending before them, has been committed to their Courts. And, unless the crime charged involves the murder of British subjects, or the giving asylum to murderers, or the acting as a leader or instigator of revolt, they will immediately cancel the commitment, and send back the prisoners to the Magistrate who committed them.—*Ibid, para.* 4.

Judges to examine commitments, &c.

4143. Magistrates and Officers in the Executive charge of Distiricts, will at once desist from the prosecution or apprehension of supposed rebels or traitors, whose crimes do not fall under any one of the three heads above specified, upon the condition that such persons consent to return, and do in fact return, to their homes and peaceful pursuits. And in respect of persons who may be under trial before them, they will, upon the same condition, remove from the indictment all charges of rebellion or of other political ground of prosecution, provided that such defendants do not come within any one of the three classes exempted from a free pardon.—*Ibid, para.* 5

Executive Officers to desist from prosecution or apprehension of rebels or traitors not exempted from the amnesty.

4144. The Royal Act of grace includes mutineers and deserters as well as rebels, who have not been in the service of Government, but, in admitting mutineers and deserters to the benefit of it, care must be taken to warn them that, while those who have not directly taken part in the murder of British subjects, may securely rely upon being left unmolested in their homes and in the prosecution of peaceful pursuits, those against whom the Government may obtain evidence of having been directly concerned in the murder in British subjects, will not be protected by a pardon from which they are expressly excluded, but will be sought out and brought to justice.—*Ibid, para* 6

Mutineers and deserters to be warned of future trial in case of proof of murders against them.

4145. To this end, it will be necessary that a full and accurate descriptive roll should be kept of all mutineers and deserters, admitted to pardon. This will be done by the Magistrate, who will transmit a copy of each Register to the Secretary to Government.—*Ibid, para.* 7.

Descriptive roll of mutineers and deserters.

4146. A certificate is to be given to each mutineer, or deserter, dismissed to his home, to the effect that he will, in future, be free from all molestation, unless he shall be chargeable with taking part in the murder of British subjects.—*Ibid, para.* 8.

Certificate to be given to them.

4147. Wherever rebels are still in arms against the Government, every exertion is to be used by the Magistrate and other Civil Officers to make the leaders of the rebels, and so far as may be possible, their followers fully acquainted with the terms upon which pardon is offered to them in the Proclamation.—*Ibid, para.* 9.

Officers to exert to make known terms of pardon to rebels, &c.

4148. If, after this has been done, and after it has become certain, that the leaders have knowledge of the offer of pardon, they shall continue to commit acts of rebellion, and to oppose the authority of the Government, force may be used against them.—*Ibid, para.* 10.

When force may be used against him.

4149. The Civil and Military authorities are not to consider that, in such a case, they are debarred from using force, by the fact that the terms of grace and amnesty are extended to all who comply with the conditions before the first of January next.—*Ibid, para.* 11.

Officers not debarred from using force.

4150. In regard to determining the punishment of offenders, to whom the amnesty does not extend. I am to add the following remarks. (12). Those alone who have directly taken part in the murder of British subjects, are excluded from mercy. In respect of these, the law will take its courts as heretofore. (13). To those who, having knowingly given asylum to murderers, or having acted as leaders or instigators in revolt, shall surrender themselves upon the terms of the Proclamation, their lives only are guaranteed. But, in apportioning to these offenders their respective penalties, Judges, Special Commissioners, and Magistrates, will be mindful of the promise made in the Royal Proclamation, that full consideration will be given to the circumstances under which the offenders were induced to throw off their allegiance, and that large indulgence will be shewn to those who were deceived by the false reports of designing men. (14). The most guilty in this class of offenders are those who, not content with resisting the Government in their own immediate neighbourhood, have joined in the attacks made by murderers and plunderers in other parts of the country, thereby spreading violence and suffering far and wide, and those who have intimidated or compelled others to join and sustain them in rebellion. The most deserving of indulgence are those who have had a share in saving the lives of English subjects. (15).—*Ibid, para.* 12-15.

Degree of Punishment to be awarded to those to whom the amnesty does not extend.

Judges to exercise their discretion in a merciful spirit.

4151. The right Hon'ble the Governor General, confiding in the loyalty of every man, in whom the Government has vested judicial powers, calls upon each to exercise the discretion left to him in the merciful spirit in which the Royal Proclamation has been conceived.—*Ibid, para.* 17.

Murder of British subjects includes murder of natives with certain modifications

4152. Literally and legally, the murder of British subjects, includes the murder of those who are Native of India, as well as of those who are English. But the Governor General is strongly of opinion, that in justice, and in policy, some distinction is to be drawn between the two cases, many Natives have lost there lives by acts which were undoubtedly acts of murder, but which originated in old quarrels or party feuds, or were brought about without premeditation, and committed, at a time when the restraints of law and Government were removed amongst a people who have ever been careless of their own lives, and of the lives of their neighbours ; although they had hitherto learnt to respect the life of an Englishman. (7.) In such cases, to pursue enquiry respecting every rebel suspected "of being a partner in murder, would be to keep numberless Towns, Villages, and Districts in a ferment, and would inspire the community generally with little confindence in the true value and spirit of the Proclamation ; and as conviction would be very difficult, the country would, in most places, be kept in agitation without any satisfactory result. (8.) Therefore the Governor General desires that as a General rule, Officers of Government should not closely investigate cases in which life has been taken under circumstances such as I have described but that they should allow the suspected rebel to benefit by the amnesty (9.) In cases where the act has been committed without provocation in a cold blooded, deliberate, manner, or with circumstances of precautionary aggravation, His Lordship would wish it to be dealt with as at any other time.—*Letter of Govt. of India to Govt. of Bombay No.* 549, *Nov.* 18, 1858, *para.* 6-9, *Ditto to Punjab Govt. No.* 5208, *Dec.* 18*th*, 1858, *para.* 2 ; *O. O. Govt. W. P. No.* 16, *April* 4*th*, 1859.

Government cannot give a more restricted sense to the term.

4153. The Governor General has not felt that the Government is at liberty to give a more restricted sense to the term in question, because although one effect of such an interpretation would be to reduce the number of punishable persons, another effect would be to make the spirit of the Proclamation more exclusive, and to exhibit the Crown as less considerate of the lives of its Indian subjects than the literal, and as His Lordship believes legal meaning of the words used by the Crown Warrants ; and this not only as regards its Indian subjects of pure Native birth, but also as regards those of mixed blood, and of the same faith with ourselves, who have suffered certainly in no less a degree than their fellow subjects of pure English birth —*Letter of Govt. of India to Punjab Govt. No.* 5208, *Dec.* 13*th*, 1858, *para.* 3, *and C. O. Govt. W. P. No.* 16, *April* 4, 1859.

4154. Still it is practically impossible, and for reasons of policy most unadvisable, to pursue each case of murder committed upon a Native, or to hold in hand punishment for all perpetrators of such crime, and it is this consideration which guided the instructions to the Government of Bombay as above cited.—*Ibid, para.* 4, *and C. O. Do.*

Meaning of the phrase "directly taken part in the murder, &c.",

4155. The second question is as to the precise sense of the words "directly taken part in the murder, &c.". The Governor General attaches the utmost importance to the word "directly" in the above passage of the Proclamation. In a hypothetical case of a regiment whose officers were shot down by the men, though it cannot be proved who fired, although His Lordship does not consider it necessary that a sepoy should be proved to have fired his musket at an officer, in order to bring him within the scope of the word "directly." His Lordship does consider it necessary that something more should be proved against him than the fact of his having been present in the ranks at the time of the murder. His Excellency thinks it should be shown, that the sepoy took an active part in aiding and abetting the murder.—*Ibid, para.* 5, *and C. O. Do.*

4156. In the opinion of the Governor General it certainly is not in the spirit of the amnesty, that the guilt of the act should be spread over those who were neither perpetrators nor instigators of it.—*Ibid, para.* 6, *and C. O. Do.*

4157. In cases of murder, other than those of the murder of Officers by mutineers, the same rule should govern the application of the words "directly taken part," "the spirit of the term" directly being in all cases carefully kept in view in order that mercy may not be stinted.—*Ibid, para.* 7, *and C. O Do.*

4158. The third question is as to the admission of suits, criminal and civil, on account of wrongs done to individuals during the rebellion. The 9th para. of the letter addressed to the Government of Bengal deals with this point. Wherever such wrongs have been done in prosecution or support of the rebellion the Governor General is of opinion that they should be pardoned and ignored.—*Ibid, para* 10, *and C. O. Do.*

Rules as to the admission of suit on account of wrongs done during the rebellion.

4159 In the case of villagers who have lived on plunder for months, and whom, upon their return to their villages, their plundered neighbours may wish to sue and to have punished, it being implied that the acts of plunder were committed in a district where rebellion was at the time uncontrolled, the Governor General is of opinion that such acts should be pardoned.—*Ibid, para.* 11, *and Do.*

If the Act had been done in a District under rebellion

4160. The same rule does not apply to a case in which similar acts were committed in a quiet part of the country, but where the civil power had become indirectly weakened by the rebellion the Governor General does not think that in such a case the suit could be rejected; but the Magistrates should do all in their power to bring about an accommodation without process of law.—*Ibid, para.* 12, *and C. O. Do.*

Or in a quiet part of the country.

4161 The fourth question regards the property of those who coming within the Amnesty may submit before the 1st January in cases in which the first steps towards confiscation shall already have been taken. The Governor General is of opinion that there can be no doubt that the person thus submitting himself and not being in the excepted classes will save his property.—*Ibid, para.* 13, *and C. O Do.*

Rule respecting confiscated property of pardoned rebels.

4162. Where confiscation has taken place, the 7th para. of enclosure of my letter No. 4413, dated the 8th ultimo, prescribes cases in which the sentence should be re-considered. The Governor General is of opinion, that the proclamation does not entitle an owner to restitution after actual adjudication, but his excellency thinks that it will be in the spirit of proclamation, that in the cases described in the para just referred to the sentence should be reconsidered. If the property has not only been confiscated, but awarded to others, or disposed of, reconsideration cannot take place.—*Ibid, para.* 14, *and C. O. Do*

Cases in which confiscation has taken place.

4163. The fifth question relates to the fining of village communities for offences committed during the rebellion Does the Amnesty condone those offences The Governor General is of opinion that no fines should be imposed where the inhabitants have returned to their homes and peaceful pursuits, and his Excellency is averse from imposing such fines even where murder of British subjects shall have been committed in a village, the individual perpetrators being unknown. The Governor General considers that it is contrary to the spirit of Amnesty that the innocent should suffer for the guilty wherever this can be avoided; and it could scarcely be assumed, in any case with which his Lordship is acquainted that all were guilty.—*Ibid, para* 15, *and C. O. Do*

Fining of village communities for offences committed during rebellion.

4164 But the Governor General thinks that it is quite just and reasonable that a Village or Town should be required to restore public buildings which were destroyed by the inhabitants, and that a fine should be levied from them for this purpose. This would be not so much a penal fine as a bare restitution; and it is more fair in his Lordship's opinion, that those buildings should be restored by the particular community which bore the chief part in destroying them, and which now needs them again, than that the expense should fall upon the country at large. The Governor General has already authorized the levying of fines in such cases in Oudh.—*Ibid, para,* 16 *and C. Q. Do.*

Restoration of public buildings destroyed during the rebellion

4165 The Sudder Court have lately brought under the notice of the Government, various cases in which a few of many persons, charged by private prosecutors with offences (attended with murder), committed during the disturbances, have been brought to trial; and they have pointed to the mischievous effect likely to be caused by the virtual outlawry of those who have escaped apprehension.—*C. O Govt. W P. No.* 27, *July* 21, 1859, *para* 1

Offences committed during disturbances.

4166. The Lieutenant Governor is of opinion, that no advantage can arise from pursuing or prosecuting those, who are supposed to have taken a subordinate part in such offences; that, on the contrary, it will be good policy to invite and encourage such persons to return to their homes and resume their peaceful occupations —*Ibid, para* 2.

Those who took a subordinate part in do not to be prosecuted.

Such was the spirit of C. O. dated 4th April, 1859.

4167. It is in this spirit that the instructions of the Right Hon'ble the Governor General appended to the Government Circular No. 16, dated 4th April last, are conceived, in their relation both to Government and to private prosecutions, but the facts brought to notice by the Sudder Court tend to shew that the instructions in question have not been generally followed.—*G. O. W. P. No. 27, July* 21, 1859, *para.* 3.

Do. to be strictly attended to in future.

4168. I am therefore directed to call your attention to paragraphs 2, 4, 10, 11 and 12 of the letter from the Secretary with Governor General, sent to you with the Circular above cited; and to request that the Magisterial Authorities of your Division may be advised to observe strictly the principles therein declared by His Excellency the Governor General, to discourage by every means in their power, private prosecutions for wrongs done during the rebellion; and also to refrain from pursuing any enquiry on the part of Government into cases attended with murder and plunder, which do not present circumstances of peculiar aggravation.—*Ibid, para.* 4.

Attention called to C. O. 21st July, 1861, for discouraging private prosecutions.

4169. The Court of Nizamut Adawlut have again brought to notice the fact that, in some instances criminals have been prosecuted for private wrongs committed during the rebellion and that without the action of the aggrieved parties themselves I am therefore to direct your strict attention to my Circular No. 27, dated 21st July 1859 in which you were desired to discourage private prosecutions for wrongs done during the rebellion by every means in your power, and also to refrain from pursuing any enquiry on the part of Government into cases attended with murder and plunder which do not present circumstances of peculiar aggravation.—*C. O. Govt. W. P. No.* 608*A*, *June* 28*th*, 1861.

Attention of Magisterial authorities called to above circular.

4170. Referring to the printed Circular Order of Government, N. W. P. dated the 21st July 1859, directing Magisterial Authorities to discourage by every means in their power private prosecutions for wrongs done during the rebellion, and also to refrain from pursuing any enquiry on the part of Government in to cases attended with murder and plunder, which do not present circumstances of peculiar aggravation," the Court of Nizamut Adawlut are pleased to call the attention of the Magisterial Authorities of these Provinces, to the subjoined extract paragraph 6, from Orders of Government No. 607A, dated the 28th ultimo, passed upon a reference submitted by the Court.—*C. O. No.* 5, *July* 11, 1861, *para.* 1, *W. P.*

Case which gave rise to the reference to Government.

4171. The case referred was one in which ten prisoners were accused of the murder of one individual committed in December 1857, in a District then in complete possession of the rebels. Complaint was made on the restoration of order by the relative of the deceased, and in the course of the enquiry which followed, three persons were convicted and punished by the special Commissioner, and thereafter the private prosecutor took no further steps against the other accused.—*Ibid, para.* 2.

4172. Under the original orders of arrest, however, issued when the information was first laid the Police proceeded to arrest, without further complaint by the relatives of the deceased, such of the remaining persons accused, as might be discovered, and these so soon as arrested were committed by the Magistrate without reference to the circular No 27, dated the 21, July, 1859 above referred to.—*Ibid, para.* 3.

4173 The subjoined extract paragraph 6, from the order of Government show that this course has been held to contravene the circular referred to; and the attention of Criminal Authorities is therefore again directed to a careful observance of its merciful provisions.—*Ibid. para.* 4

4174. Extract paragraph 6th, of a letter from the Secretary to Government. N. W. P. to the address of the Register to the Court of Nizamut Adawlut N. W. P. No. 607A, dated 20th June 1861.

6th. It is clear, however from paragraph 2 of your letter, that the Magistrate in dealing with the case under reference disregarded the instructions contained in the circular No. 27, dated 21 July 1859. In accordance with that Circular he ought to have done all in his power to dissuade him from persevering with it. So far from having acted in this manner the Magistrate appears throughout to have been the prime mover in the prosecution for which he is undoubtedly to blame and the Court are requested to inform him accordingly. The Lieutenant-Governor however does not think any further action necessary beyond once more drawing the attention of all Magisterial Officers to the orders contained in the said Circular.

The case which gave rise to this correspondence is published in the printed decitions of the Agra Nizamut Adawlut for 1861.

4175. Attempt at murder by firing upon Europeans or otherwise during the disturbances of 1857-58 amounts to simple rebellion and is condoned by the Amnesty.—*Rep. W. P. Govt. v. Mungul Singh, &c. January* 25, 1861 *p.* 24 *& Govt. v. Mahtab Singh, January* 31, 1861 *p.* 56.

4176. Magistrates can prosecute persons for murder of defenceless women during the disturbances.—*Rep. W. P Govt. v. Beharee and other Oct.* 18, 1861 *p.* 450 and of Police Burkendazes, in the execution of their duty. *Rep. W. P. Govt, v. Rumdhaer Singh, &c. Oct.* 18, 1861, *p,* 455.

Rules respecting disposal of property of offenders who have been pardoned.

4177. Iam directed by the Hon'ble the Lieutenant-Governor to forward, for your information and guidance, the annexed copy of a letter this day addressed to the Commissioner of the Agra Division, on the course to be pursued under circular Orders of this Government, dated 18th May last, Nos. 18 and 19, in regard to property attached or forfeited to Government as the property of known or convicted rebels, of which the owners have either been pardoned by Government, or have subsequently to the attachment come in under the Amnesty.—*C. O. Govt. W. P. No.* 28, *dated* 21 *July*, 1859.

4178. I have the honor to acknowledge the receipt of your letter. No. 586, dated 22nd ultimo, with its enclosures, on the subject of the course to be pursued, under circular Orders of Government Nos. 18 and 19, dated 18 May, in regard to property attached or forfeited to Government as the property of known or convicted rebels, of which the owners have either been pardorned by Government, or have subsequently to the attachment come in under the Amnesty.—*Govt. Letter W. P. No.* 2864, 21 *July* 1859, *para* 1.

4179. The enquires made by Mr. Hume refer to two classes of cases (1) when offenders convicted on trial have been pardoned by Government, and (2) when property has been attached preparatorily to Order for confiscation, and the owners having come in under the Amnesty, have received a free pardon —*Ibid, para.* 2.

Rule about property of convicted offenders who have been pardoned.

4180. As to the first-class of cases, where the Government by an Order in the particular case has granted pardon and release unconditionally, neither Act IX. 1859, nor the Rules of Practice, founded on it, are applicable. The Act does not fetter the exercise by the Government of its inherent powers of pardon or mitigation of punishment. It applies only to the proceedings of the special Commissioner under the Penal acts. Wherefore an Order of unconditional release bars re-attachment of the property, whether confiscated or attached.—*Ibid, para.* 3.

4181. As some misapprehension has arisen from the wording of the 4th paragraph of a letter, No. 2864 to the address of the Commissioner of Agra, which was forwarded to you by the Circular, No. 28, dated 21st July, the Honorable the Lieutenant-Governor directs that, the following clause be substituted for the paragraph alluded to.

"Para. 4. With regard to the second-class of cases, it will be necessary to proceed on each "case according to its circumstances, as follows :—

Award of confiscation of property not affected by the offence being condoned by the Royal Amnesty.

"(1.) When forfeiture has been adjudicated under Section 2, Act XXV. of 1857 for any offence described in the several acts, cited in the above Section, and no cancelment of the adjudication has taken place, by reason of the accused having surrendered within the term prescribed by Section 8, and having obtained acquittal of the crime originally charged; and also of the additional charge of having kept out of the way for the purpose of evading justice that judicial award is not affected by the offence of the accused having been condoned by the Royal Amnesty, provided that the adjudication was made before the date of the Amnesty."—*C. O. Govt. W. P. No.* 42, *Oct.* 13, 1859.

Rule about property attached previous to confiscation.

4182. (*2nd.*) Where property has been attached as liable to forfeiture, but there has been no adjudication as above mentioned of forfeiture, and accused persons have come in within the term of grace fixed by the Royal Amnesty, under which the offences of which they are accused have been condoned,

the terms of the Royal Amnesty "unconditional pardon and oblivion," shew conclusively that the attachment should cease, the property be released, and not be subject to re-attachment.

(3rd.) Where property has been attached as in the preceding para and the parties have come in after the period of grace fixed by the Royal Amnesty, but have obtained condonation for their offences in the spirit of the Amnesty, restitution of attached property cannot be claimed of right, unless the party has been tried and obtained the full acquittal described in Section 6, Act XXV. 1857. The Government is not otherwise bound to relinquish such attached properties, though on special report furnishing reasonable grounds for the indulgence in any particular case, the boon would be granted.—*Govt Letter W. P. No.* 2864, *July* 21, 1859, *para.* 5.

SECTION XXXVII.

OF SUTTEE.

Suttees are illegal.

4183. The practice of Suttee, or of burning or burying alive the widows of Hindoos, is declared illegal, and punishable by the Criminal Courts.—*Reg. XVII.* 1829, *sec.* 2.

All land holders are declared responsible for giving immediate information of intended Suttees.

4184. All Zumindars, Talookdars, other proprietors of land, whether malgoozaree or lakhiraj; all sudder farmers and under renters of land of every description, all dependent Talookdars; all naibs and other local agents; all native Officers employed in the collection of the Revenue and rents of lands on the part of Government, or the Court of wards, and all mundals or other head men of villages, are especially accountable for the immediate communication to the Officers of the nearest Police Station of any intended sacrifice of the nature described in the foregoing section; and any Zumeendar, or other description of persons above noticed, to whom such responsibility is declared to attach, who is convicted of wilfully neglecting or delaying to furnish the information above required, is liable to be fined by the Magistrate or Joint Magistrate in any sum not exceeding 200 Rupees, and in default of payment to be confined for any period of imprisonment not exceeding 6 months.—*Ibid, sec.* 3, *cl.* 1.

Penalities in cases of neglect.

Police to report cases of such neglect.

4185. Police Officers are to report to the Magistrate any omission, or unnecessary delay, on the part of the persons above noticed, in furnishing the promptest information regarding any such intended sacrifice.—*C O No.* 43 *of vol.* 2, *Dec.* 4, 1829.

Police Officer in charge of Station how to act on receiving intelligence of intended Suttee.

4186. Immediately on receiving intelligence that the sacrifice, declared illegal by this regulation, is likely to occur, the Police Darogah is either to repair in person to the spot, or to depute his mohurir or Jumadar, accompanied by one or more burkundazes of the Hindoo religion; and it is the duty of the Police Officers to announce to the persons assembled for the performance of the ceremony that it is illegal, and to endeavour to prevail on them to disperse; explaining to them that, in the event of their persisting in it, they will involve themselves in a crime, and become subject to punishment by the Criminal Courts. Should the parties assembled proceed indefiance of these remonstrances, to carry the ceremony into effect, it is the duty of the Police Officers to use all lawful means in their power to prevent the sacrifice from taking place, and to apprehend the principal persons aiding and abetting in the performance of it; and in the event of the Police Officers being unable to apprehend them, they are to endeavour to ascertain their names and places of abode, and are immediately to communicate the whole of the particulars to the Magistrate for his orders.—*Reg. XVII.* 1829, *sec.* 3, *cl.* 2.

Police Officer in charge of station to report

4187. When the Darogah deputes his Mohurir or Jamadar to proceed to the spot, he is immediately to report to the Magistrate the cause which has prevented his going in person; and in any instance in which the sacrifice has commenced, or has been completed, prior to the arrival of the Police, a minute

report of the circumstances which have operated to prevent their early arrival must be submitted to the Magistrate. In giving effect to the above provisions, the Police Officers are directed to employ every means of dissuation and remonstrance, to endeavour to associate with themselves any respectable Hindoos in persuading the parties concerned to desist from the sacrifice, and to use all patience and forbearance in the exercise of the duty prescribed.—*C. O. No.* 43 *of vol.* 8, *Dec.* 4, 1829.

If he does not proceed himself, or to explain cause of delay if the Police do not arrive in time.

Police Officers to associate respectable Hindoos with themselves.

4188. Should intelligence of a sacrifice declared illegal by this regulation not reach the Police Officers until after it has actually taken place, or should the sacrifice have been carried into effect before their arrival at the spot, they are nevertheless to institute a full enquiry into the circumstances of the case in like manner as on all other occasions of unnatural death, and to report them for the information and orders of the Magistrate to whom they are subordinate.—*Reg. XVII.* 1829, *sec.* 3, *cl.* 3.

Police Officers how to act when they do not hear of a Suttee until after it has taken place.

4189. Police Officers arriving at the spot after the completion of the suttee, are not authorized to take parties into custody before instituting enquiries to ascertain who have aided in the performance of the sacrifice; they should merely make the enquiry and report the result to the Magistrate as directed above.—*Const. No.* 598.

In such case they cannot apprehend the persons implicated.

4190. Police Officers are to use all care and discretion in giving effect to these Orders; and are in each case to be held bound to show that every means of mildness was resorted to, before recourse was had to any exercise of authority. They are in no case to use any duress towards any persons apprehended under these rules; but are to treat them with every indulgence, and in sending them to the Magistrate are to allow them every facility not inconsistent with their safe custody.* But these instructions are not to be understood as prohibiting the use of force in the event of an attempt to persist in performing the ceremony after due warning.—*C. O. No.* 43 *of vol* 2, *Dec.* 4, 1829, *and const. No* 749.

Force is not to be employed by Police Officers to prevent a Suttee until mildness has proved ineffectual.

Prisoner how to be treated

4191. On the receipt of the reports required to be made by the Police Darogahs, under the foregoing provisions the Magistrate of the jurisdiction, in which the sacrefice has taken place, is to enquire into the circumstances of the case, and is to adopt the necessary measures for bringing the parties concerned in promoting it to trial before the Sessions Court.—*Reg. XVII.* 1829, *sec.* 4, *cl.* 1.

Magistrate how to proceed on receiving report.

SECTION XXXVIII.

TELEGRAPH.

4192. Within the British Territories in India, the Governor General of India in Council shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the Governor General of India in Council may grant a license to any person or company to establish a line of Electric Telegraph within any part of such Territories, which license shall be revocable on the breach of any of the conditions therein contained.—*Act VIII.* 1860, *sec* 2.

Governor General in Council to have the exclusive privilege of establishing Electric Telegraphs.

Proviso.

4193. The Governor General of India in Council may, on the occurence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within the said territories.—*Ibid, sec.* 5.

Government may take possession of telegraphs established by license.

* The rules of this circular were drawn up at the desire of the Governor General in order to allay, as much as possible, the popular agitation, which the suppression of suttees was expected to arouse, when it was felt that, great allowance should be made for the feelings and prejudices of the people. It would seem therefore unnecessary now to act upon these rules very strictly.

Government may establish telegraphs on line of Railway Company.

4194. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish upon the land of such company adjoining the line of Railway, a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.—*Act VIII.* 1860, *sec.* 6.

Governor General in Council to frame rules for the conduct of Government telegraphs.

4195. The Governor General of India in Council may from time to time frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.—*Ibid, sec.* 7.

Government not responsible for loss or damage.

4196. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.—*Ibid, sec.* 8.

Jurisdiction beyond local limits of Supreme Court.

4197. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences mentioned in sections 10, 11, 12, 13, 14, and 15 of this Act, shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed. If any such offence be committed beyond the said local limits by a European British Subject, the offender shall be punishable upon conviction before a Court of Judicature established by Royal charter.—*Ibid, sec.* 16.

Jurisdiction within local limits of Supreme Court

4198. Any person, whether a European British subject or not, who shall, within the local limits of the jurisdiction of a Court of Judicature, established by Royal Charter, commit, any of the offences referred to in the last preceding Section, shall be punishable upon conviction before such Court.—*Ibid, sec.* 17.

Fines by what Officers to be adjudged.

4199. Any person, whether a European British subject or not, who shall be guilty of any offence, for which according to the provisions of this Act, he shall be liable to a fine only shall be punishable for such offence by any Magistrate of Police for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for the settlement of Prince of Wale's Island, Singapore and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, within whose Jurisdiction the offence shall be committed: and any person hereby made punishable by a Magistrate of Police, shall be punishable upon summary conviction.—*Ibid, sec.* 18.

Fines how levied.

4200. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Police Magistrate, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magisrate may, in case of non payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forth with paid, any such Officer may order the offender to be apprehended and detained in safe custody, until the return can be conveniently made to such warrant of distrees, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the Warrant of distress and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such Warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officers, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a Warrant of distress were issued, any such Officer by Warrant under his hand, may commit the offender to prison, there to be imprisoned only

Imprisonment if no sufficient distress, &c.

or to be imprisoned and kept to hard labor according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding 4 calendar months where the amount shall not exceed 100 rupees, or for any term not exceeding 6 calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Act VIII.* 1860, *sec.* 19.

Authority to punish Government servants who commit offences against this Act in foreign teritories.

4201. If any servant of the Government, employed in the Electric Telegraph Department within the dominions of any foreign prince or state in alliance with the Government of India in which an Electric Telegraph is established by the Government, shall within the dominions of such prince or state commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the British Territories in India, such servant of the Government shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the Government or by any Court or Magistrate, or other competent Officer in any part of the British Territories in India in the same manner as if the offence hade been committed in such part of the said torritories.—*Ibid, sec.* 20.

Explanation of terms.

4202. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include penalty or forfeiture.—*Ibid, sec.* 21.

Government to frame rules for telegraphs established by license.

And to declare it applicable to telegraphs established within British Territories by foreign powers.

4203. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such telegraph, and to persons using the same or employed in connection therewith. It shall also be lawful for the Governor General in Council to declare from time to time that this Act or such portions thereof as may be specified shall be applicable to any Electric Telegraph established or to be established within the British territories in India by any foreign prince or state with the consent of the British Government, and to persons using such telegraph, or employed in connection therewith.—*Ibid, sec.* 22.

Restriction on licenses of Railway Companies about transmitting messages withdrawn.

4204. The restriction now placed on Railway Companies in India in respect of the conveyance of private Telegraph Messages on their lines except where there may be no Government Telegraph is withdrawn, the Railway Companies being left free to receive and forward private messages irrespective of the existence of Government Telegraph Lines. The several Railway Companies will, of course, continue to be bound by all other conditions of the respective licenses by which they are permitted to establish lines of Electric Telegraph.—*Order of Govt. of India* No. 4096. *Augt.* 6, 1862.

SECTION XXXIX.

OF THUGGEE.

Rules under which a promise of a qualified pardon may be made to thugs on condition of becoming approvers; but such pardon is

4205. A Magistrate (or Joint Magistrate or Deputy superintendent for the suppression of thugge vested with the powers of a Joint Magistrate) is authorized to offer mercy, in the name of the Government, to any thug from whom he has reason to expect that useful information may be procured, on condition that he makes a full and ingenuous confession. But the promise which he is authorized to make is not a promise of entire pardon, for Government will not consent to let any such offender loose

only to exempt from capital punishment and from transportation

And every approver must be committed for trial and convicted of having belonged to a gang of thug in order to ensure the legality of his detention and imprisonment for life.

on society, however long the period of their confinement may have been, however unexceptionable their demeanour during that confinement may have been, or whatever may have been the value of the information given by them. The Magistrate is in no case therefore, without the special permission of Government, to hold out to any thug, any hope that he will ever be set at liberty. The mercy which a Magistrate is authorized to promise extends only to exemption from capital punishment and transportation, and to such indulgences in confinement as may be compatible with the safe keeping of the prisoner. Every promise of this sort which a Magistrate gives, the Government holds itself bound to perform, even though it should appear that in giving such a promise he has not exercised a sound discretion. Such promises may be made either to persons who have been convicted or to persons who have not yet been tried; and in the former case the punishment will, on the report of the Magistrate that the convict has made a confession which he considers as full and ingenuous, be commuted by Government according to engagements which he may have made; but, as nothing short of a sentence pronounced by a court of justice and recorded on the proceedings of that court can be sufficient ground for detaining any person in perpetual imprisonment, every promise of mercy made to a thug, who has not already been convicted, must be followed up by his regular trial and conviction. The Magistrate is, in the first instance, to place on record a faithful narrative of the prisoner's life of crime, noting every thuggee in which he has been employed, the names of the thugs who have been engaged in each expedition, their respective crimes and occupations in each journey, and generally to enter in to as full a detail as possible, informing the person who offers himself as an approver that for any wilful omission on his part he will forfeit the qualified pardon held out to him: after this unreserved confession the Magistrate is to examine a few thug approvers as to his being a real thug, and is then to commit him for trial before the Session Judge on the charge of having been guilty of the offence of Thuggee. His conviction will under such circumstances be a matter of course; it will give scarcely any trouble to the Court by which he may be tried; it will under Act XIX. 1837 leave him a competent witness; and he will be detained for life in confinement under an authority which can never be questioned, and in a strictly regular manner.—*C. O. No.* 247 *of vol.* 2, *Sep.* 22*nd*, 1837, *L. P.*

The Offer and acceptance of pardon by the approver must be affixed to the record of each trial.

4206. There are no particular rules for the trial of thug prisoners; but the Session Judge is to be careful to affix to the record of each trial the tender of exemption from the punishment of death and transportation beyond seas which the Magistrate will have made to the prisoner, and the prisoner's acceptance thereof.—*C. O. No.* 246, *of vol.* 2, *Sept.* 22, 1837 *L. P.*

Police Officers to give every assistance to the Officers of thuggee department.

4207. Magistrates are to require their Police Officers always to exert themselves most particularly, on the receipt of descriptive rolls of thugs from the Officers of the thuggee Department, for the purpose of their apprehension, &c., and any neglect or inattention to the requisitions of those Officers on the part of a Police Officer will be considered as a very serious Offence, rendering him liable to removal from Office.—*C. O. Sup. Pol. L. P. No.* 15, *June* 24, 1840.

Proofs necessary to secure a conviction of "being a Thug"

4208. To make good a conviction on the charge of being thugs, it is necessary that there should be much and strong corroboratory evidence. In a case in which a Judge held the prisoners guilty of the above offence on the evidence of an approver and on circumstantial evidence, the Sudder Court held as follows:—"Supposing we had had the evidence of the approver A, supported by the evidence of two or three admitted approvers, whose statements in all particulars when they had been sharers in A's crimes, had agreed with A's story; or whose stories had been supported by the finding of bones, clothes or the like, on the spots where the crimes were stated to have occurred; we might then have put faith in A's story or if again, A's story had been supported by the discovery of the remains of her victim, or of his recognized clothes, we might have been disposed to attach some credence to A's tale. But the story A tells, totally unsupported as it is, except by some gossipping stories of women of the lowest and most abandoned character, is we hold, utterly unworthy of credit".—*Rep. W. P. Govt. V. Mupt. Ruddeah and others April.* 30, 1862, *p.* 68.

SECTION XL.

Of Treasure Trove.

Hidden Treasure under what circumstances and conditions to become the property of the finder.

4209. Whenever any hidden Treasure, consisting of gold or silver coin, or bullion, or of precious stones, or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the territory subject to the Presidency of Fort William; and after due notification, the owner thereof may not be discoverable; such hidden treasure shall become the property of the person or persons who may have found the same, provided it shall not exceed in amount or value, the sum of one lakh of sicca rupees; and provided the finder or finders shall have conformed to the rules prescribed in this Regulation.—*Reg. V.* 1817, *sec.* 2.

The finder how to proceed on the discovery of hidden treasure.

4210. Whenever any person may find hidden treasure, of the description stated in the foregoing Section, he shall give immediate notice thereof to the Judge of the Zillah or City in which the treasure may have been found; and shall at the same time deposit the treasure in the Zillah or City Court, with an exact inventory thereof.—*Ibid, sec.* 3.

Duty of the Zillah or City Judges in such case.

Notification to be issued and period allowed to claimants to bring forward their claims.

4211. The Zillah or City Judge receiving a deposit as above directed, shall return a receipt for the treasure deposited, after causing the same to be carefully compared with the inventory; and shall issue a public notification in the current languages of the country, to be published and affixed in his own cutchery, and in the cutchery of the Collector of the District, requiring all persons who may have any claim of right to the treasure in deposit, to attend in person, or by vakeel, and prove thereto, within six months from the date of notice.—*Ibid, sec.* 4.

Collectors to bring forward any claim of right which Government may appear to possess to such treasure.

Summary enquiry to be instituted by the Judges of Zillah and City Courts How Judgement to be awarded by the Judge.

4212. It shall be the duty of the Collectors of land revenue acting under the instructions of the Commissioner or the Board of Revenue, to bring forward and to support, inconformity with the foregoing provision, any claim of right which Government may appear to possess to such treasure. In the event of any claim of right being preferred either on the part of individuals or Government, pursuant to the prescribed notification, the Judge shall institute a summary enquiry into the claim preferred; and if the title of Government or other person so claiming the treasure in deposit, or any part thereof, be clearly established, he shall adjudge the same accordingly; subject to re-imbursement of all expense incurred by the finder of the treasure, as well as to such compensation for the discovery of it as may, in each case, appear just and reasonable.—*Ibid, sec.* 5.

What Judgment to be passed in cases in which no claim shall be preferred either by Government or by individuals and the amount do not exceed one lakh of Sicca Rupees.

4213. If no claim of right be preferred either by Government or by an individual within the period limited by the notification directed in section 4, of this Regulation, or if the claim or claims so preferred, shall not on a summary enquiry appear to be well founded; and the amount or value of the hidden treasure found at the same time, or in the same place, shall not exceed one lakh of sicca rupees; the Zillah or City Judge shall adjudge the same to the person or persons who may have discovered the treasure, and deposited it in the Zillah or City Court as required by Section 2, subject only to the actual expense which may have been incurred in adopting the measures prescribed by this Regulation.—*Ibid, sec.* 6.

Decision in cases in which the amount of treasure shall exceed one lakh of Rupees.

4214. If the amount or value of any hidden treasure found at the same time, or in the same place, shall exceed one lakh of rupees, and no claim of right thereto be established, judgment shall be given according to the preceding Section in favor of the person or persons who may have discovered and deposited the treasure, to the amount of one lakh of sicca rupees; and the excess above that sum shall be declared at the disposal of Government.—*Ibid, sec.* 7.

Persons discovering hidden treasure who shall neglect to give due notice within one month, shall be considered to have forfeited all right and title to the treasure and compensation.

4215. If any person discovering hidden treasure of the description specified in Section 2 of this regulation, shall not, within one month after finding the same, give notice to the Judge of the Zillah or City Court, in conformity with Section 4, and make the deposit thereby required, he shall be considered to have forfeited all right and title to the treasure; as well as all claim to a reimbursement of expense, compensation or reward under the provisions of this Regulation; and the treasure so clandestinely withheld from public investigation, shall on a summary suit by any subsequent claimant of right, and proof of a just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, shall on the application of the vakeel of Government under instructions from the Board of Revenue; or Commissioners be liable to confiscation to Government.—*Reg. V.* 1817, *sec.* 8.

Concealment of treasure not punishable by a Magistrate.

4216. The concealment of hidden Treasure is not a criminal offence punishable by a Magistrate. It involves only the forfeiture above-mentioned, which is to be awarded by the Civil Courts—*Reg. W. P.* 1852, *page* 521.

Judges' decisions open to summary appeal.

4217. The summary decisions of the Judges of the Zillah or City Courts, which may be passed under this Regulation, shall be open to a summary appeal under the general rules in force relative to summary appeals.—*Reg. V.* 1817, *sec.* 9.

CHAPTER IX.

OF EUROPEAN BRITISH SUBJECTS AND JUSTICES OF THE PEACE.

AMENABILITY Descent.

4218. The parents of an individual being Europeans, he must be considered to be an European, without reference to the place of his birth.—*Const. No.* 397.

Illegitimate children are classed with their mother

4219. Illegitimate children should be classed with their mothers; and must be considered British subjects, European foreigners, or Americans, according as their mothers may respectively be British, foreign European or American. Thus, the illegitimate son of an European British subject by a native mother can be tried by the local criminal Courts on a charge of adultery; but a married woman, the legitimate child of a British father is not amenable to the local courts on a similar charge preferred against her by her husband.—*Const. Nos* 806, *and* 978.

How far the privileges extend in the direct descent of legitimate children

4220 B, as the son born in wedlock of A., who was the son born in wedlock in British India of a European British subject, is clearly a British subject within the meaning of the charter of, and acts relating to, the Supreme Court; and is not amenable to the Jurisdiction of the Mofussil criminal Courts. The circumstance that A's mother was an Armenian, and that B's mother was not a European British subject, makes no deference in this respect. These privileges certainly attach to the sons and grand sons: whether they extend farther is an open question; but it seems that in respect of all persons descended legitimately from a male European British subject, and born in British India subsequently to the vesting of the sovereignty in the crown (i. e. from the beginning of the century) there is no limit in point of degree of descent, to the rights of such persons to claim the privileges of British subjects. —*Opinion of Advocate General in C. O. No.* 2, *L. P. March* 17, *W. P. March* 23, 1859, *No.* 3.

Example special case.

4221. In the case of a prisoner who alleged that his father was a German and his mother a Scotch woman, and that he was born at Madras, the Advocate General gave it as his opinion that he must be considered a British subject amenable to the jurisdiction of the Supreme Courts. But this opinion seems to require modification especially as regards the mixed progeny of Europeans and natives;

and cannot be considered as an established rule, since the Nizamut Adawlut objected to the doctrine, and held the prisoner amenable to the Local Courts on a ground which left the question still open, —*N. A. R. vol.* 2, *page.* 111.

Courts are to satisfy themselves as to their jurisdiction.

4222. The Criminal Courts are not to proceed to try and sentence a person, whom they may themselves have fair reason from any cause to regard as probably not subject to their jurisdiction, without making all practicable inquiry to satisfy themselves on the point C. O. No. 33, of Vol 4, * If the Magistrate know that the prisoner is a European British subject, it is his duty, whether the prisoner claims exemption or not, to abstain from further proceedings against him as a Magistrate. If, without any actual knowledge on the subject, the Magistrate has reason to suppose that the prisoner is such a British subject it is the Magistrate's duty to ascertain from him, whether he alleges or denies that he is one; and if he alleges that he is, to give him every facility, by allowing time and otherwise, for proving that he is, the burden of such proof being on him. A Magistrate will not be justified, if he has reason to suppose that the prisoner is a European British subject, in proceeding against him as if he were not one, without first giving him a distinct opportunity of pleading that he is one. If he do not so plead, or be not able, upon time being allowed him for that purpose, to adduce any satisfactory proof of his being a European British subject, the Magistrate will be quite warranted in proceeding against him. If he do so plead, and give proof or produce documents which although not amounting to full legal proof of his status, satisfy the Court that he is realy a European British subject, the Magistrate should, without putting the prisoner fully to complete his proof by strict legal evidence, take up the case as a Justice of the Peace, and send it up to the Supreme Court, taking care to record distinctly the statement made by the prisoner that he is a British subject of lawful European descent.—*Opinion of Advocate General in C. O. No.* 2, *L. P. March* 17, *W. P. March* 23, 1859, *No.* 3.

But in the Supreme Court the proof of jurisdiction lies with the prosecutor.

4223. In the event of its being found necessary to commit a European British subject for trial before the Supreme Court, it is necessary for the conviction of such person that there be direct proof of his amenability to that court. The mode of proof consists in the evidence of a credible person, who knows the accused, and his place of birth, or who has heard him declare of what country he is.—*C. O.* 197, *of vol.* 3, *L P. Feby.* 28, *W. P. April 4th*, 1844.

Persons resident in India &c, liabel to what courts.

4224. The servants of the Government, as all other of Her Majesty's subjects residents in India, are amenable to the Courts of Oyer and terminer and Jail delivery and Courts of general or quarter sessions of the peace in any of the British Settlements in India, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences and injuries whatsoever by them done, committed or perpetrated, in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope to the straits of Magellan, within the limits of the exclusive trade, of the East India Company, whether the same be done, committed or perpetrated against any of Her Majesty's subjects, or against any other person or persons whatever.—26 *Geo. III. Cap.* 57, *sec.* 29. *See Act XXV.* 1861, *sec.* 26, *(469, vol. I. P.* 57.)

Commitment for trial before Supreme Court.

4225. It shall be competent to the Magistrate of the District, or to any other Officer exercising the powers of a Magistrate, to hold the preliminary enquiry into any cases triable by a Supreme Court of Judicature, and to commit or hold to bail persons to take their trial before such court and to exercise all the powers necessary for such purpose.—*Act XXV.* 1861, *chap. II. sec.* 37.

Subordinate Magistrate may be empowered to prepare cases for trial before the Court of Session or Supreme Court.

4226. The Local Government may empower any subordinate Magistrate of the first or second-class not vested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any Supreme Court of Judicature, and may

* This Circular is founded on the judgment of the Supreme Court in the case of V. Foy which is given at length, but it seems unnecessary to quote it here, since the rule laid down by the Advocate General as given in the text, is more clear and useful.

empower such subordinate Magistrate to commit, or hold to bail, persons to take their trial before such Court of Session or Supreme Court, and to exercise all the powers necessary for such purpose.—*Act XXV.* 1861, *chap. II. sec.* 38.

Only Justice of Peace empowered to commit European British subjects for trial. European British subjects are not penally liable to the Local Courts.

4227. No person who is not a Justice of the Peace shall commit or hold to bail any European British subject to take his trial before a Supreme Court of Judicature.—*Ibid, sec.* 39.

4228. European British subjects have not by any act of the legislature been made amenable to the local authorities in the administration of the penal enactments of the Government of India Const. No. 1296, except in certain special cases; see infra; and several of the latter acts have been made applicable to them.

Offences committed in foreign territories are punishable by all courts of competent jurisdiction

4229. All Her Majesty's subjects, as well servants of the Government as others are amenable to all courts of justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences, and crimes whatever, by them or any of them done or committed in any of the lands or territories of any native prince or state or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.—33 *Geo. III. Cap.* 52, *sec.* 67.

No person exempt from public duties or public charges or assessments, by reason of birth or descent.

4230. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the territories under the British Government, whether in perpetuity or for a term, or being a Local Agent or manager of any such property, is, by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium Revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a Local Agent or manager thereof.—*Act. II.* 1853, *sec.* 1.

But subject in such respects to the same laws as a native.

4231. For the nonpayment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations and procedure, and to the same jurisdictions, as if he were a native of the said territories.—*Ibid, sec.* 2.

4232. Reference for the opinion of the Advocate General should be submitted, in the first instance to the Nizamut Adawlut, who if they think fit, will forward them to the Government for transmission to the Advocate General, whose opinion, when received, will be made known to the Court for communication to the referring Officer, and for such further orders as may appear to be necessary.—*C. O. No.* 3, *March* 23, 1859, *W. P.*

Course to be pursued by the Mofussil Courts if a European British subject waives his privilege of trial by the Supreme Court & expresses a wish to be tried by the Mofussil Courts.

4233. The Court are pleased to publish, for general information and guidance, copy of the Advocate General's opinion respecting the competency of the local criminal authorities to try a person who may appear *prima facie* to be a European British subject, but who waives his right to the privilege of trial before the Supreme Court.—*C. O. No.* 15, *Oct.* 30, 1860.

If Thomas Evans do not, upon the charge preferred against him, plead that he is a European British subject, and if the court has no judicial knowledge that he is one, he may be properly held amenable to the Jurisdiction of the Local Court, and may be properly tried, convicted and punished by such Court, in the same manner as if he were not a European British subject.

I do not indeed think, that consent alone on the part of a prisoner to be tried by a Court having no Jurisdiction to try him, will give the Court Jurisdiction, so as to legalize his trial or conviction Therefore where a mofussil Court has actual judicial knowledge that a prisoner is a person over whom it has no criminal Jurisdiction; as for instance, if he held an Office which can only be held by a

European British subject *E. G.* that of a Justice of the Peace or if he (not being a native of the country) be an Officer or Soldier in Her Majesty's Service; the Court ought I think to abstain from entertaining the case even upon the confession of the prisoner of his guilt, and ought to make him over for trial to the Supreme Court.

But in many cases the Court cannot possibly have any Judicial knowledge that the prisoner before it is a European British subject. Mere rumour or the mere statement of the prisoner, or others (not given by way of evidence) will not amount to such Judicial knowledge. The question is often one of some nicety, and in some cases even where the man *bônafide*, believes himself to be a European British subject within the meaning of the Acts relating to the Supreme Courts, he may not be so in the eye of the law, *E. G.* where he has been born in this country of parents of pure British descent but not in lawful wedlock. Therefore the mere circumstance that a man appears to be a pure European descent and alleges himself to be a British subject, will not of itself deprive the Court of its Jurisdiction against him on a criminal charge. Such a circumstance should always lead the Court to pause before proceeding to the trial of the prisoner, and to ask him whether he desires to prove his assertion, apprising him that if he succeed in proving it, he will be entitled to be tried in the Supreme Court, and cannot be tried in the Mofussil Court. If he express his desire to prove his assertion, time should be given him for that purpose; and the Court itself should make such enquiry as is in its power, and endeavour to ascertain what his status is. If the result either of the evidence or enquiry is to induce the Court to believe that he is a European British subject, the Court should then, even if the Prisoner desires to withdraw his plea, decline jurisdiction, and put the case in train for investigation by the Supreme Court taking care to transmit to that Court the man's statement that he is a European British subject, and the evidence necessary to prove that statement.

If however, the prisoner do not either spontaneously, or when the enquiry above suggested is made of him by the Court, express a desire to prove that he is a British subject, but decline to give such proof, or to seek exemption from the jurisdiction of the Court on that ground. The Court I think is not bound to go out of its way to seek for proof of the status of the prisoner, or to put upon record a plea for the prisoner on which he does not wish himself to rely, and which consistently with the evidence before the Court, may be an untrue one. In that case (which from the statement in your letter, I infer to be substantially that of Thomas Evans) I think the Court will be quite justified in proceeding, if the prisoner simply plead not guilty, to try the case upon the merits, and if he plead guilty, to pass sentence upon him without noticing his status in any way upon the record.

But a case may occur in which the charge or evidence shows, that the person charged is exempt from the jurisdiction of the Court. As for instance, the charge may state that the offence was committed, by a Europen Soldier in one of Her Majesty's Regiments or the evidence may show that the prisoner was born in England or was a European in the service of a British subject, or held a situation showing plainly that he was a European British subject. In either of these cases. I think it would be the duty of the Court, even though the prisoner should have pleaded guilty, or waived all objection to the jurisdiction, to abstain from further proceedings against him, and to make him over. to the Supreme Court for trial. But a mere suggestion in the evidence not necessarily conclusive as to the status of the prisoner, such as that a witness had heard him say he was born in England, or that a witness had always believed him to be an Englishman or had known his father to be one, would not be sufficient, I think, to bar the Court's proceedings, against the prisoner where he has, after full opportunity given him to plead and prove his exemption, deliberately waived such exemption and has pleaded guilty, or not guilty on the merits only.

If at any state of the proceedings the Court find that in accordance with the principles above stated, it is proper that it should disclaim jurisdiction and that the case should be made over to the Supreme Court, it should be careful not to record any decision which can possibly be construed into either a conviction or an acquittal of the prisoner upon any part of the charge before it. If the Court be presided over by an Officer who is himself a justice of the Peace, he should himself take and send up to the Supreme Court the depositions of the witnesses, and should commit the prisoner to take

his trial there, or if not a Justice of the Peace, he should make over the case to the nearest Justice of the Peace for that purpose, with no record of decision of his own, save that the prisoner appeared upon the evidence or charge to be a European British subject, and that the case is therefore made over to the Justice of the Peace, for further investigation. The inconvenience of a contrary course has been shown in a recent case in the Supreme Court at Calcutta.—*Advocate General's Opinion, dated Sept. 11th,* 1860.

Procedure when a European British subject is charged with an offence triable by Supreme Court.

4234. When a European British subject is charged with an offence triable by a Supreme Court of Judicature, any Magistrate may hear the complaint against such person, and may issue a warrant of arrest or hold to bail such person with a view to the complaint being investigated by a Justice of the Peace.—*Act XXV.* 1861, *chap.* 2, *sec.* 40.

Procedure when a European is arrested by an Officer not being a Justice of the Peace.

4235. When a European British subject has been arrested under a Warrant issued under the last preceding section by a Magistrate, not being a Justice of the Peace, if such Magistrate considers that there exists sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or if the offence with which such person is charged is bailable, shall, if sufficient bail be tendered, admit him to bail for his appearance before a Justice of the Peace. When the person accused is brought or appears before a Justice of the Peace under this section such Justice of the Peace shall himself hold the preliminary enquiry into the case before he commits or holds to bail such person for trial before the Supreme Court of Judicature.—*Ibid, sec.* 41.

Saving of Jurisdiction given by 53 Geo. III. c. 155, Sec. 105.

4236 Nothing in this chapter shall interfere with the jurisdiction given by 53 George III C. 155 S. 105 " or Act VII. of 1853, (to extend the jurisdiction of Magistrates under the 53 George III C. 155, S. 105 in cases of Assault, forcible entries and other injuries accompanied by force, not being felonies provided that the jurisdiction given by the said statute and the said act shall be exercised only by a Justice of the Peace.—*Ibid, sec.* 42.

4237. The Court will draw the attention of the Magisterial authorities to the proviso at the end of Section 42 by which the exercise of the jurisdiction of the Magistrate under statute 53 George 3, Cap. 155, Sec. 104 and Act, VII. of 1853, is restricted for the future to the Magistrates who are at the same time Justices of the Peace.—*C. O. No.* 18, *Dec.* 12*th,* 1861, *L. P.*

British subjects how punishable for offences which are by law made punishable in the Mofussil upon conviction by a Magistrate.

4238. If any offence, which by any act of the Governor General in Council heretofore passed is declared to be punishable upon conviction by a Magistrate, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender, if not otherwise punishable, shall be liable, upon conviction before one of the said Supreme Courts of Judicature, to the punishment to which by such act the offender is declared to be liable upon conviction before a Magistrate.—*Act XVIII.* 1859, *sec.* 1.

Offenders how punishable, when such offences are committed within the local limits of the jurisdiction of Her Majesty's Courts.

4239. If any offence, which by any act of the Governor General in Council heretofore passed is declared to be punishable upon conviction by a Magistrate, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature established by Royal Charter, the offender if not otherwise punishable, shall be liable upon conviction before such Court to the punishment to which by such act the offender is declared to be liable upon conviction before a Magistrate.—*Ibid, sec.* 2

4240. Nothing in this Act shall extend to any case in which Jurisdiction is expressly given to a Justice of the Peace to convict the offender.—*Ibid, sec.* 3.

Construction of the word "Magistrate" in certain Acts.

4241. Whenever in any Act heretofore passed by the Governor General in Council the word "Magistrate" is declared to include a Justice of the Peace such Justice of the Peace shall not by Virtue of such act be deemed to have Jurisdiction to punish any offence unless the same shall be committed within the local limits of the Jurisdiction of any of the Courts of Judicature established by Royal Charter.—*Ibid, sec.* 4.

Course to be adopted whenever a European British subject, residing in the

4242. The Nizamut Adawlut are to bring under the special Notice of Government every case in which, from the proceedings or information before them, they are satisfied that a European British subject, residing in the interior of the country, has been guilty of any Act of illegal violence, oppression, or injustice towards the natives in the prosecution of Indigo or other Commercial transactions. And

whenever such British subject appears to a Magistrate, on satisfactory evidence, to have been guilty of any illegal Act of the above description, and the proceedings held in the case are not referrible in regular course to Nizamut Adawlut, he is to transmit a specific report of the facts of the case, with a copy of his proceedings, to that Court, who, if they consider the alleged act of illegal violence or oppression to be proved, and to be of a nature demanding the notice of Government, are to report their sentiments accordingly*—*C. O. No.* 289 *of vol.* 1, *April* 30, 1824.

interior of the country is guilty of any act of illegal violence, injustice or oppression towards the natives in the prosecution of indigo, or other commercial transactions.

4243. Magistrates are to submit to the Commissioners of Circuit, for their examination, every case of violent affray, attended with aggravating circumstances, in which the servants of an Indigo Factory are engaged, whether the European at the head of the establishment has been included in the charge or not; and the Commissioner of Circuit is to furnish with his annual report, in his capacity of Superintendent of Police, a specific statement of such cases.—*C. O. No.* 22 *of vol.* 2, *May* 1, 1829.

Report to be made to the Commissioner of aggravated affray, in which the servants of an indigo factory are engaged.

4244. Magistrates are to refrain from trying themselves, or committing for trial before the Session's Court, natives charged with or suspected of being concerned with European British subjects in the Commission of offences, until they have made a reference to the Nizamut Adawlut, and have been furnished with instructions for their guidance in the case. But the trial of a native is not vitiated under this Order, if the name of an European is only indirectly introduced in the transaction for which the commitment is made; the European must be charged with the offence, or so far implicated as to warrant his commitment.—*C. O No.* 79 *of vol.* 1, *Jany.* 4, 1811, *N. A. R. vol.* 2, *p.* 73.

Magistrate how to proceed when natives are charged with offences in concert with European British subjects.

4245. The above Order does not require the Magistrate to apply for instructions in regard to the preliminary enquiry; it is only when the result of that enquiry leads to the commitment of the European, that the application becomes necessary.—*Letter of Nizamut Adawlut, August* 12, 1836, *in Mr. Cheap's edition of the Circular Orders.*

This order does not refer to the preliminary enquiry.

4246. When a commitment is made to the Court of Sessions, the record of the Magistrate shall be forwarded to such Court together with any weapon or other article of property connected with the case. When a commitment is made to the Supreme Court of Judicature, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record shall not be in the English language, a translation thereof in the English language shall be forwarded therewith.—*Act XXV.* 1861, *chap.* 12, *sec.* 229.

Record to be forwarded to the superior court.

4247. The following rules, are prescribed by Government for the observance of Mofussil Magistrates, in cases of British subjects, committed by them for trial to the Supreme Court at Calcutta, and for the payment by Government of expenses attending the deputation from the Mofussil of prosecutors and witnesses in such trials.—*Govt. Order W. P. No.* 2, *June* 15, 1861.

Rules about cases committed to the High Court

4248. European prisoners when committed must be sent with their warrants of commitment to the Great Jail of Calcutta, to the custody of the Sheriff, and a letter should be sent to the Commissioner of Police in Calcutta giving the names and crime of the prisoners, as also the date and mode of forwarding them to Calcutta.—*Ibid, rule* 1.

Prisoner to and sent to Sheriff and a letter addressed to the Commissioner of Police.

4249. The deposition taken in the case must be sent at the same time to the Clerk of the Crown, and exhibits, such as swords, Cudgeons, or stolen property, in charge of Police Officers who can testify to them.—*Ibid, rule* 2.

Depositions and exhibits to be sent.

4250. All witnesses must be bound down in recognizances to attend at the Supreme Court in Calcutta at noon on the first day of the first Sessions.

Witnesses to be bound by recognizance

* This rule is absolute; it was issued at a time when European British subjects could not hold land in the mofussil and when they were liable to be departed by Order of Government.

The various Sessions commence throughout the year on the

4th	February,	1st	Sessions
29th	March,	2nd	Ditto
4th	June,	3rd	Ditto
13th	July,	4th	Session
27th	August,	5th	Ditto
1st	October,	6th	Ditto to be regulated by the Doorga Poojah Hindoo Holidays
4th	December,	7th	Sessions.—*Ibid, rule* 3.

Names of witnesses to be sent to Commissioner of Police, &c.

4251. The Magistrate should intimate to the Commissioner of Police by letter the names of the witnesses, and direct them all, European and Native immediately on their arrival in Calcutta, to leave their names and addresses at the Calcutta Police Office, where they will receive any information on assistance they may require.—*Govt. Ord. W. P. No.* 2, *June* 15*th*, 1861, *para.* 4.

Witnesses to receive travelling allowance from Commissioner.

4252. The witnesses, on the conclusion of the trial will receive their travelling expenses or application to the Commissioner of Police, who is charged with the duty of arranging for the payment of these according to rates fixed with reference to their circumstances and station in life.—*Ibid, para.* 5.

Rates of travelling allowance.

4253. The rates of payment for each class will be as follows :—

1st Class. Each person coming under this class to be allowed eight annas a mile as travelling expenses for himself and a servant, five rupees per diem as hotel allowance while in Calcutta, and two rupees for carriage hire for each day he may have to attend the Supreme Court.

2nd Class Persons of this class to have their actual travelling expenses, three rupees per diem for board in Calcutta and one rupee Palkee hire for each day of attendance at the Supreme Court.

3rd Class. Ditto and (1-8-0) one rupee eight annas per diem as Board allowance.—*Ibid, para.* 6.

4254. Whenever advances may be given by Magistrates or other Local Officers to parties proceeding to Calcutta. Such advances should be regulated by the foregoing scale.—*Ibid, para.* 7.

4255. It will be the duty of such Magistrate or Local Officer to determine the class to which the prosecutor and each of the witnesses belongs.—*Ibid, para.* 8.

Classification of Persons.

4256. Precise rules on such a point do not seem to be called for. But, generally all Officers, whether European or Native, holding a Commission or a Gazetted appointment, and all gentlemen of character and respectibility, whether European or native will belong to the first-class, all clerks in Public Offices, Tuhseeldars, Inspectors of Police, Ministerial Officers, and members of the native middle classes will belong to the second-class, and the third-class will include artizans, labourers, workmen, small shop-keepers and persons in a similar condition of life.—*Ibid, rule* 9.

What witnesses to be sent to the High Court.

4257. Magistrates should be careful that, while they send down those witnesses, who are absolutely necessary for a proper investigation of the case, none others should be compelled to leave their homes. The evidence of native witnesses to Sooruthals and such documents are never taken in the Supreme Court. For instance, if the Civil Surgeon has examined the body of the murdered or wounded man his evidence will be sufficient without that of the natives, who are recorded to have seen the wounds in the mofussil investigation held by the Police. The presence of unnecessary witnesses invariably calls down the animadversions of the Judges of the Supreme Court.—*Ibid, para* 10.

In cases committed to the High Court the prosecutor, witnesses, and prisoners are to be furnished with letters to the Commissioner of Police.

4258. In all cases committed to the Supreme Court by Magistrates in the Mofussil, the prosecutors, witnesses, and prisoners with their guards, when forwarded to Calcutta, are to be provided by the committing Magistrate with a letter to the Commissioner of Police for Calcutta, who will then be able to arrange for the attendance of the prosecutors or witnesses at the time they are wanted at the Sessions and to see that the prisoners are conveyed to the proper place for their confinement. If the parties are sent down separately, they or the guards should be provided with separate letters, which they should be instructed to deliver immediately on their arrival.—*C. O. Govt. Bengal, No.* 71, *Feb.* 19*th*, 1859.

4259. The forms of warrants, recognizances, &c. in use by Her Majesty's Justices of the Peace given below were prepared by the solicitor to Government.—*C. O. Sup. Pol L P No.* 27, *Novr.* 23*rd*, 1844.

Information and deposition of prosecutor or witness.

4260. The information and deposition of Doorgapursad Baboo of Mahomedpore, taken upon oath (or solemn affirmation) by me W. C. B. Esquire, Magistrate of Burdwan, and one of Her Majesty's Justices of the Peace, on Friday the thirteenth day of September 1859 who on oath (or solemn affirmation) saith : I am (here the statement of the witness should be inserted in the first person.)

Taken before me the day and year first above mentioned. W. C. B.

—*C. O. Sup. Pol. L. P. No.* 27, *Nov.* 23*rd*, 1844.

Examination of the accused.

4261. The examination of J. S. of Mahomedpore labourer, taken before me W. C. B. Esquire, Magistrate of Burdwan and one of Her Majesty's Justices of the Peace, on Friday the 20th day of September 1859; the said examinant being charged on the oath (or solemn affirmation) of Doorgapersad Baboo and others with (*here insert the crime with which the prisoner is charged, and the date on which it was committed, for example's sake the following may answer*) feloniously receiving in concert with Sibchunder Ghose twenty-six Europe imitation shawls of the value of seventy rupees, and one piece of Book Muslin of the value of five rupees, of the goods and chattels of the said Doorgapersad Baboo feloniously stolen and carried away from the shop of the said Doorgapersad Baboo, situate in the Town of Burdwan, on Friday the thirteenth day of September 1859, well knowing the same to have been feloniously stolen ; and duly cautioned, saith :—I (here the statement of the accused must be inserted in the first person.) Taken before me the day and year first above-mentioned.—*Ibid.*

Warrant of commitment for further examination.

4262. To the Foujdaree Nazir of the District of Chumparun, in the Presidency of Fort William in Bengal and to the keeper of the Jail at Mooteeharee.

Receive into your custody the body of J. S. herewith sent you, he the said J. S. being charged before me, W. C. B. Esquire, Joint Magistrate of Chumparun, and one of Her Majesty's Justices of the Peace, on the oath of E. F. and others with (here insert the crime and date) ; and him, the said J. S. safely keep until Monday next, the twenty-third day of September instant, when you are hereby required to bring the said J. S. at the Foujdaree Court of the District of Champarun, in the Presidency of Fort William in Bengal, before me or before such others of Her Majesty's Justices of the Peace for the said Presidency of Fort William in Bengal as shall be then and there present, to be re-examined and further dealt with according to law. Herein fail you not.

Given under my hand and seal this twentieth day of September 1859.—*Ibid.*

Recognizance to prosecute.

Fort William in Bengal. } 4263. Be it remembered that on the twentieth day of September in the 23rd year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, and so forth A. B. of (insert the name of the place of residence) in the Province of Bengal aforesaid personally came before me W. C. B. Esquire, Magistrate of Burdwan, and one of the Justices of our said Lady the Queen, assigned to keep the peace within the Provinces of Bengal, Behar and Orissa, and acknowledged himself to be indebted to our said Lady the Queen, in the sum of one thousand rupees of good and lawful money of Bengal aforesaid, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if the said A. B. shall fail in performing the condition under written.

The condition of this recognizance is such that if the above bounden A. B. shall personally be and appear on the first and on the following days of the next Sessions of Oyer and terminer and Jail delivery, to be holden in and for the Town of Calcutta and factory of Fort William in Bengal and shall then and there prefer a bill of indictment against J. S. for forgery (*or whatever the nature of the charge may be*) and shall then and there give evidence of all such matter and things as shall have come to his knowledge, and can be objected to the said J. S. on the said Bill of indictment, and in case such Bill of indictment shall be found, then if the said A. B. shall prosecute the same with effect, and shall then and there attend from day to day, and shall not depart the Court without leave thereof, then this obligation is to be void and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before me.

—*Ibid.* W. C. B.

Recognizance to give evidence.

Fort William in Bengal. } 4264. Be it remembered, that on the twenty-first day of September in the twenty-third year of the reign of our Sovereign, Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, and so forth, G. H. of (all the witnesses' names may be inserted here, but then what follows must be in the plural number) come before me W. C. B., Esquire, Magistrate of Burdwan, and one of the Justices of our said Lady the Queen, assigned to keep the peace within the Provinces of Bengal, Behar and Orissa, and acknowledged himself to be indebted to our said Lady the Queen, in the sum of rupees one thousand, of good and lawful money of Bengal aforesaid, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if the said G. H. shall fail in performing the condition under written.

The condition of this recognizance is such, that if the above bounden G. H. shall personally be and appear on the first and on the following days of the next Sessions of Oyer and terminer and Jail delivery, to be holden in and for the Town of Calcutta, and Factory of Fort William in Bengal, and shall then and there personally attend from day to day to give evidence of all such matters and things as shall have come to his knowledge, and can be objected against (*the name of the prisoner*) (on a bill of indictment to be preferred against (*the name of the prisoner*) upon the prosecution of (*the name of the prosecutor*) and if the said G. H. shall then and there attend from day to day, and not depart the Court without leave thereof, then this recognizance is to be void and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before me.

C. O. Sup. Pol. No. 27, *Nov.* 23, 1844. W. C. B.

Recognizance of bail

Fort William in Bengal } 4265. Be it remembered, that on the twenty-third day of September in the twenty-third year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith and so forth; A. B. and C. D. and E. F. severally came before me W. C. B, Esquire Magistrate of Burdwan, and one of the Justices of our said Lady the Queen, assigned to keep the peace within the Provinces of Bengal, Behar, and Orissa, and acknowledged themselves to be indebted to our said Lady the Queen in the sum of six thousand rupees, that is to say, the said A. B. in the sum of four thousand rupees, and the said C. D and E F. in the sum of two thousand rupees each, of good and lawful money of Bengal aforesaid, to be respectively made and levied of their several goods and chattles, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if the said A. B. shall fail in performing the condition under written.

The condition of this recognizance is such, that if the above bounden A B shall be and appear at the Foujdaree Court of the District of Burdwan in the Presidency of Fort William in Bengal, and shall then and there attend from day to day, to answer to the charge pending against him the said A. B. for forgery (or as the nature of the case or charge may be) and shall then and there abide and undergo the order of said Court, and shall not depart the Court without leave thereof, then this recognizance is to be void and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged this day and year first above written before me.—*Ibid.*

4266. To the Sheriff of the Town of Calcutta, and Factory of Fort William in Bengal, and to the keeper of Her Majesty's prison in Calcutta.

Warrant of final commitment to Supreme Court

Receive into your custody the body of J S. herewith sent you, he the said J. S. being charged before me W C. B., Esquire, Magistrate of Burdwan, and one of Her Magesty's Justices of the Peace on the oath (or solemn affirmation) of A B and others with (here insert the crime charged and the date when committed) and him the said J S safely keep until he shall be discharged by due course of law.

Given under my hand and seal this twenty-fourth day of September 1859.—*Ibid.* } W. C. B. *Justice of the Peace.*

4267. To the keeper of the House of Correction (or other place of confinement!)

Warrant of imprisonment.

Receive into your custody the body of J. S. herewith sent you, he the said J. S. being convicted before me W. C. B. Esquire, one of Her Majesty's Justices of the Peace and Magistrate of Burdwan, upon the oath (or solemn affirmation) of two creditable witnesses with having on the thirteenth day of September, in the year of our Lord one thousand eight hundred and fifty-nine (here state the offence, as in the conviction), and him the said J. S. safely imprison (or safely imprison and keep to hard labour) for the space of two months, unless the said sums shall be sooner paid; when you will bring him again before me in order that he may be discharged by due course of law.

Given under my hand and seal this twenteith day of September 1859.— W. C. B.

C. O. Sup. Pol. No. 27, *Nov.* 23, 1844.

Another form of Warrant of imprisonment.

4268. To the constable of the in the Zillah of and to the keeper of Her Majesty's at Calcutta

Whereas of profession was convicted by and before me the undersigned Magistrate of the Zillah of for that the said did on the day of in the present year in the Zillah aforesaid and was adjudged by me the said Magistrate to be imprisoned for the space of . These are therefore to require you the said constable to take and forthwith convey the said to the said at Calcutta, and deliver to the said keeper thereof together with this precept: and you the said keeper are hereby commanded to receive the said into your custody in the said there to be imprisoned for the space of and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal the day of in the year of our Lord one thousand eight hundred and fifty-nine

—*Ibid.* *Magistrate.*

4269. Forms regarding surety of the Peace.

Information to require surety to keep the peace.

Be it remembered that on the day of 186 , A. B., of in the District of gentleman, came personally before me, W. C. B., Esquire, Magistrate of and one of her Majesty's Justices of the Peace, and on his oath informeth me that C. D., of labourer, did on at most violently and maliciously declare and threaten and did also on [here state the defendants threats and acts]; and that from the above premises he this complainant, is afraid that the said C. D. will do him some grievous bodily harm, and therefore prays that the said C. D. may be required to find sufficient sureties to keep the peace towards him, this complainant. And this complainant also says, that he doth not make this complaint against nor require such sureties from, the said C. D. from any hatred, malice, or ill will, but merely for the preservation of his life and person from injury.

Sworn before me the day and year first above-mentioned.

A. B.

W. C. B.

Warrant to be issued thereon.

To E. F. Nazir of the Criminal Court of and to all Darogahs of Police, and other peace Officers, and others whom this may concern

Whereas, A. B. of in the District of gentleman, hath this-day made information on oath before me, W. C. B., Esquire, Magistrate of and one of Her Majesty's Justices of the Peace, that C. D., of labourer, did on at [*here set forth the complaint as in the above form in the past tense, describing the complainant by his name*], and therefore the said A. B. hath prayed that the said C. D. may be required to find sufficient sureties to keep the peace towards him, the said A. B., I do therefore hereby require and command you to apprehend and bring the said C. D. before me, or any other of Her Majesty's Justices of the Peace at their Office in aforesaid, to answer the said complaint, and to find sufficient sureties to keep the peace towards all Her Majesty's liege people, and specially towards the said A. B. for such term as shall be then enjoined him, and to be further dealt with according to law. Given under my hand and seal, the day of 186 .—*Ibid.*

W. C. B.

Recognizance to keep the peace.

Fort William in Bengal. } Be it remembered that on the day of 186 in the year of the reign of our Sovereign Lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, defender of the faith, and so forth, C. D., of in the District of , labourer, A. S. of the same place, labourer, and B. S of the same place, labourer, came before me, W. C. B, Esquire, Magistrate of , and one of the Justices of our said Lady the Queen assigned to keep the peace, and acknowledged themselves to be indebted to our said Lady the Queen, in the sum of [two thousand] rupees, that is to say, the said C. D. in the sum of (one thousand) rupees, and the said A. S. in the sum of [five hundred] rupees, and the said B. S. in the sum of [five hundred] rupees, of good and lawful money of Bengal, to be respectively made and levied of their several goods and chattels, lands and tenements, to the use of our said Lady the Queen her heirs and successors, if he, the said C. D. shall fail in performing the condition under written.

If the party be bound merely to keep to peace for a specified term the condition will be thus: The condition of this recognizance is such, that if the above bounden C. D. shall keep the peace, towards all Her Majesty's liege people and especially towards A. B. of in the said District, gentleman, for the term of [twelve calendar months] now next ensuing, then the said recognizance shall be void and of no effect, or else remain in full force and virtue.

If the party be bound to appear at the Sessions, the condition of the recognizance will be thus: The condition of this recognizance is such that if the said C. D. shall personally appear at the next Sessions of Oyer and Terminer and Jail Delivery, to be holden in and for the Town of Calcutta and Factory of Fort William in Bengal, to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace towards all Her Majesty's liege people, and especially towards the said A. B. of in the said District gentleman for the term of (12 calendar months) now next ensuing, then the said recognizance shall be void and of no effect, or else remain in full force and virtue.

Acknowledged before me the day and year first above-mentioned. W. C. B.

—*O. O. Sup. Pol. L. P. No.* 27, *Nov.* 23, 1844.

Commitment in default of security to keep the peace.

To E. F., Nazir of the Criminal Court of , and also to the Darogah of the [Criminal Jail] of , and others whom this may concern.

Whereas A. B. of [here recite the complaint as in the Warrant, ante]: and whereas the said C. D. was this day brought and appeared before me, W. C. B., Esquire, Magistrate of , and one of Her Majesty's Justices of the Peace, at , to answer the said complaint; and I, the said Justice, have ordered and adjudged, and do hereby order and adjudge, that the said C. D. shall enter into his own recognizance in the sum of [one thousand] rupees, with two sufficient sureties in the sum of [five hundred] rupees each, to keep the peace towards all Her Majesty's liege people, and particularly towards the said A. B. for the term of [twelve calendar months] now next ensuing: and in-so-much as the said C. D. hath refused and still refuses to enter into such recognizance, and to find such sureties as aforesaid, I do hereby require and command you, the said Nazir, forthwith to convey the said C. D. to the [Criminal Jail] of , and to deliver him to the Darogah thereof with this warrant. And I do also require and command you, the said Darogah to receive the said C. D. into your custody in the said [Jail] and him there safely to keep for the space of [twelve calendar months] unless he, in the meantime enter into such recognizance, with such sureties as aforesaid, to keep the peace in the manner and for the term above-mentioned. Herein fail not.

Given under my hand and seal the day of , 186 .—*Ibid.*

W. C. B.

Writ for distress of goods of European British Subject to recover fine under 53 George III.

4270. To

Whereas , a British Subject of Her Majesty, at present residing in was, in pursuance of an Act of Parliament passed in the fifty-third year of his Majesty King George the Third, entitled an Act &c., this day of in the year of our Lord 186 duly convicted before me Magistrate of the Zillah of having , and was adjudged by me, the Magistrate aforesaid,

to pay ; and whereas the said having notice of my said order—these are therefore to command you, to levy the said sum of by distress and sale of the goods and chattels of the said ; and I do hereby order and direct that the goods and chattels so to be distrained be sold, and disposed of within days, unless the said sum of for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid: and you are hereby commanded to certify to me what you shall do by virtue of this my warrant.

Given under my hand and seal at this day of 186 .

Magistrate.

4271. To

Warrant for arrest of European British subject on failure to levy fine by distress.

Whereas,—a British subject of Her Majesty, at present residing in , was, in pursuance of an Act of Parliament passed in the fifty-third year of his Majesty King George the Third, entitled an Act, &c., and Act VII. of 1853, this day of in the year of our Lord 186 , duly convicted before me Magistrate of the Zillah of , of having ; and was adjudged by me, the Magistrate aforesaid, to pay ; and whereas the said having notice of my said order has ; and whereas it appears to me by the return of of the Zillah of dated the day of that he hath made diligent search for, but doth not know of, nor can find any goods and chattels of the said , whereof the said sum of may be levied, pursuant to my warrant duly made and issued for the levying the said sum of by distress and sale of the goods and chattels of the said , these are therefore to command you, the said of the Zillah of to convey the said to the jail aforesaid and these are also to command you, the keeper of the said Jail, to receive the said into the said Jail, and there to keep without bail or mainprize for the space of ; unless the said sum of so ordered to be paid as aforesaid shall be sooner satisfied.

Given under my hand and seal this day of 186 .

Magistrate.

Rules regarding the examination of European British subjects.

4272. European British subjects brought before the Magisterial authorities for any alleged offence should not be interrogated upon the matters charged against them, but should merely be asked if they wish to make a statement in regard to the charge, and at the same time warned that whatever they may say will be made use of against them. After such question and warning, the statements made by the accused are to be taken down; and the following form of examination is to be made use of. The examination of A. B. of Indigo planter, taken by me. J. P. Esquire, Magistrate of and one of Her Majesty's Justices of the Peace, the day of 186 : the said examinant being charged on the solemn affirmation of C. D. of , with having (here state the charge) and being duly cautioned, saith . Taken before me the day and year first above mentioned.—*J. P. C. O. No.* 199, *of vol.* 3, *L. P. March* 14, *W. P. April* 25, 1845.

Rules by which a Justice of the Peace should investigate charges.

Examination of accusers and witnesses.

4273. The following rules, by which a Justice of the Peace should investigate a charge made before him, are extracted from Chitty's Burn's justice vol. 2 pages 464 *et seq.* The first step in the investigation as to the offence is to call for and examine the witnesses for the accusers. The whole proceedings of the examination should be in the presence and hearing of the accused. The witness should be informed as to the purpose for which he is required to give evidence; or, in other words that there is a person under charge against whom he is required to give evidence; otherwise the witness could not be punished for refusing to give evidence. Before administering the oath to the witness, the Magistrate had better enquire who and what the witness is; and in some cases it would be as well shortly to ascertain what he intends to prove: it seems also that no witness ought to be examined who is not competent according to the general rules of evidence, to give evidence: (For the rules regarding the incompetency of the witnesses, see paras. *et seq.*) After the competency of the witness is ascertained, he should be sworn; the following is the usual form of oath prescribed to be taken by a Christian: "You shall true answer make to all such questions as shall be demanded of you; so help you God." The examination of the witness must be upon oath administered previous to the examination, or such examination will amount to nothing. If a Magistrate committed a party without an oath made

before him, he would be liable to an action if the prisoner were acquitted. Leading questions should not be proposed to a witness; nor irrelevant questions; nor questions which need not be answered. The witnesses should be examined before the accused, and he may cross examine them. They should, especially if they appear unwilling, be examined separately; and no one who has already been completely examined should be permitted, if it be possible to avoid it, to inform any other who has yet to be examined, to what particulars his evidence has extended: indeed, in most cases, it would be best and fairly to keep all the witnesses away but the one under examination. The answers to the examination as they are given, should be immediately put into writing in a plain and intelligible manner, and as near as possible in the very words used by the witness. The examination when put into writing, is usually read over and tendered to the witness for signature; and he should sign it, though he is not actually obliged to do so, as such signature is not absolutely necessary but is only taken for precaution and facility of future proof. If the slightest case even of suspicion be made out against the accused, he should be asked by the Justice if he has any thing to say against the charge: He should not be put on his oath. A prisoner, when taken on suspicion before a Magistrate is to be allowed to speak voluntarily, and to give his account freely; and he ought not to be pressed to answer, examined, or questioned by the Magistrate like a Common witness: where a person had been so examined his account was rejected as inadmissable, though nothing like a threat or promise had been used. The examination of the prisoner, when reduced into writing, ought to be read over to him, and tendered to him for his signature: it ought to be subscribed also by the Magistrate; the signature however of the prisoner is not essentially necessary, but only for precaution, and for the facility of future proof: It has been held that a written examination containing the prisoner's confession, taken by a committing Magistrate, and read over to the prisoner, who admitted it to be true, but refused to sign it, would have been evidence at common law: in this case the examination was rendered admissable by the prisoner acknowledging the truth of its contents; but if the prisoner had not made such admission and had refused to sign it after it had been read over to him, it could not have been received in evidence. Whether he be silent or not, it is best that the justice should put down in writing the facts exactly as they take place before him; and if he be silent, or declines saying any thing in his behalf, the examination, after stating the offence with which the party is charged, as in the form (given in the text,) should proceed thus; "And the witnesses against the said A. B. being examined in his presence the said A. B. is now asked by me if he wish to say any thing in his own behalf; whereupon the said A. B. answereth nothing or saith" stating what the accused may say as nearly as possible in the very words he uses. The accused may if he choose, call witnesses, and they may be examined on oath, like the witnesses against him; and their examination should be put into writing, like the rest. If more than one person be accused, each of them should be examined a part from the rest, in order that an opportunity may be afforded of detecting any variations in their story. The deposition should be taken down in writing in the very words used by the witness, or as nearly as possible in those words, and not in any law technicalities, or words not made use of by him. In almost all cases it would be infinitely better if the depositions were taken in the first person, and if, after the introductory part, which generally concludes with the words "who saith as follows," the deposition proceeded to state "I saw, &c., at such a time and place," instead of saying "he, this examinant" or "he this deponent"—terms which many witnesses do not understand, and perhaps may conceive to mean some other person. Only so much as is material need be taken down. If the original information and evidence taken before the warrant was issued contain a complete case, it is the practice after reswearing the accuser and witnesses, to read over their former depositions in their presence and that of the prisoner, and then to state to the latter that he is at liberty to ask the prosecutor and witnesses any questions respecting the charge against him; and, if he declines so doing, the examinations are not again gone over, but a fresh jurat is made to them, and this even before a fresh Magistrate. The papers are then to be signed by the parties deposing and also by the Justice before whom they are taken; but these formalities are not absolutely requisite. When the Justice has decided upon bailing or committing the accused, he should take the recognizance of the prosecutor to prosecute, as also the recognizance of the material witnesses to appear against the party

Examination of the accused.

His signature.

His witnesses.

If several offenders.

Deposition how to be taken.

Recognizance to prosecute or give evidence.

accused. If more than one are to be bound to prosecute, the recognizances should not be taken separately. Where goods have been obtained by false pretences, the recognizance to prosecute should be in double the value of goods. Infants and married women, who cannot legally bind themselves must procure others to be bound for them; infancy however is no ground for discharging a forfeited recognizance to appear and prosecute for a felony. If the prosecutor or witness refuse to give such recognizance the Magistrate has power to commit him, but a Justice of the Peace is not authorized by law to commit a witness willing to enter into a recognizance for his appearance to give evidence against an offender, merely because such witness is unable to find a surety to join him in such recognizance, nor ought the justice to require such sureties; the parties own recognizance (at the peril of commitment) is all that ought to be required.—*Beaufort page.* 977.

Refusing to give evidence.

4274. The following observations in regard to the duties of a Justice of Peace in this country were recorded by the Advocate General in 1809. "Whether persons holding the Office of Justice of the Peace are, or are not, authorized to exercise any specific power, or (which is the same thing) bound to discharge any specific duty, in this country, which belongs to the Office of Justice of the Peace in England, must in every instance depend upon the question, whether that part of the English law, on which the given power or duty depends, is or is not applicable in this country. There are some broad lines which might be laid down for determining this question in certain cases; but in many cases it is and must be matter of nice Judicial discretion. As I see no practical use, but on the contrary a great deal of inconvenience, in attempting to describe generally what matters are and what are not cognizable by Justices of the Peace here, I beg to decline it. The cases of the most common occurrence are attended with no difficulty; and the course which the Magistrates have to take in them is, or easily may be, well known. If any should occur, which are out of the ordinary routine, the easiest and safest way for the Magistrate is to apply to the Government for instructions, which may be always obtained without any great delay. And if the case should be such as not to admit of that delay (though I can hardly imagine such a case) the Magistrate may, I am sure, confidently act for the best, refusing or granting his interference as he thinks most expedient for the purposes of Justice and public convenience. If his intentions are upright, the law will hold him harmless of any personal consequences; and, speaking from my own experience, I have no doubt that the Governments would always think itself bound to defend him if attacked where his motives were unquestionable."*—*O. O. No. 59 of vol.* 1, *Dec.* 12, 1809.

Observations of the Advocate General regarding the general duties of a Justice of the Peace.

4275. Whereas His Majesty's British subjects resident in the British Territories in India, without the Town of Calcutta are now by law subject only to the jurisdiction of His Majesty's Court at Calcutta, and are exempted from the jurisdiction of the courts established by the Company within the said territories, to which all other persons whether natives or others, inhabitants in the said territories without the limits of Calcutta, inhabitants are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which is committed by British subjects at a distance from the place where His Majesty's Court is established, as in case of Civil controversies with such British subjects;—it is therefore enacted, that it is lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the Town of Calcutta, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British Subject, to complain of such assault forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the Zillah or District where the alleged offender is resident,

MAGISTRATES. Magistrate has jurisdiction in cases of assault, forcible entry, or other injury accompanied with force committed by European British subjects on natives of India.

* The remainder of the opinion of the Advocate General given in the above circular order refers to cases of forcible entry, which have since then been made cognizable by Magistrates by the 53rd George III; and it is therefore useless now to quote it. It has been ruled that no English statute of a later period than 13th George I. is applicable to India, unless its extension is expressly declared therein.—See Addenda, Functions of Justices of the Peace.

Magistrate how to proceed in such cases; and what sentence he may pass.

or in which such offence has been committed; and such Magistrate has power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment by fine, not exceeding 500 rupees, to be levied in case of non-payment by Warrant under the hand of the said Magistrate, and upon any property of the party so convicted which may be found within the said District; and if no such property is found within the said District, then it is lawful for the said Magistrate by Warrant also under his hand, to commit such offender to some place of confinement within the said Zillah or District, which, in the judgment of the said Magistrate, is fit for receiving such offender; or, if there is no fit place of confinement, then to the Jail of the Presidency, to remain there for a period not exceeding two months, unless such fine is sooner paid; and it is lawful for the said Magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction of such injury. Provided always, that all such convictions are removeable by writ of *certiorari* into the said Court of oyer and terminer and Jail delivery, in the same manner, and upon the same terms and conditions, and are to be proceeded upon in the same manner in every respect as is directed in the act of the thirty third year of his Majesty's reign, with regard to other convictions before Justices of the Peace * in the British settlements or territories in India: provided also, than nothing herein contained is to extend, or to be construed to extend, to prevent such Magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged appears to such Magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subjects are amenable.—53 *George III. Cap.* 155, *sec.* 105 *as amended by Act XXII.* 1854.

The fine may be awarded to the aggrieved party.

Such convictions are removeable by writ of *certiorari* into the Supreme Court.

* Vide paras 4317 and 4318.

But this provision is not meant to prevent the Magistrate from committing the accused to the High Court, if the offence charged is of an aggravated nature.

4276. The foregoing provisions, so far as they extend to cases of assault, forcible entries, or other injuries accompanied by force, not being felonies, against the person or property of any native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the British Government, not being within the Towns of Calcutta, Madras, or the Islands of Bombay and Colaba, or the Settlement of Prince of Wale's Islands, Singapore and Malaca, by any British subject or other person, against the person or property of any person whatever.—*Act VII.* 1853, *sec.* 1.

The foregoing provisions extended to such offences against the person or property of any person whatever.

4277. The powers in such cases given to the Magistrate may be lawfully exercised by any Joint Magistrate or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the District over which his authority extends.—*Ibid, sec.* 2.

These powers may be exercised by any Officer with the powers of Magistrate.

4278. In the case of an assault by one British subject upon another British subject, a Moffussil Magistrate (has jurisdiction under Act VII. 1853 and also) may take penal recognizance, and proceed under the provisions of Act V. 1848 (now Act XXV. 1861, Section 282). As a Justice of the Peace, acting in that Office only he has no judicial power in such case, and can only commit the party if he think fit so to do, for trial to the Supreme Court.—*C. O. No.* 44, *Sept.* 28*th*, 1850 *and No.* 66, *July* 18*th*, 1851.

Power of Magistrate in cases of assault by one European British subject upon another.

4279. It is further enacted that in all cases of debt not exceding the sum of 50 rupees, alleged to be due from any British subject to any native of India resident in the East Indies or parts aforesaid, and without the jurisdiction of the Court of requests established at Calcutta, it is lawful for the Magistrate of the Zillah or District where such British subject is resident,

Magistrate has jurisdiction in cases of debt, not exceeding 50 rupees, alleged to be due to natives

or in which such debt has been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide, between the parties, which decision is to be final and conclusive to all intents and purposes; and in all cases where any such debt is found to be due from any British subject to any such native of India, the amount thereof is to be levied in the same manner, and subject to the same regulations and provisions in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of conviction of a British subject before such Magistrate.*—53 *George III. cap.* 155, *sec.* 106.

from European British subjects.

As to amenability of British Officers and Soldiers to the Mofussil Courts, see para. 600.

4280. Where an Indigo Planter, an European British subject, was accused of using violence to four individuals, and the Magistrate applied to the Nizamut Adawlut for information as to his competency to award a separate punishment for each offence, it was held that, if the offences were charged separately, there was no reason why the sentences on conviction should not be likewise separate. The Court observed at the same time, that in such cases confinement is authorized only in default of payment of fine; and that if, on investigation, the Magistrate should be of opinion that the offender ought to be brought to trial before the Supreme Court, he should proceed in the usual manner, reporting the case for the information and orders of Government.—*Const. No.* 632.

If several charges are preferred separately against an European British subject the sentences and conviction may be like wise separate.

4281. Europeans, charged with offences under the above provisions, or before a Justice of the Peace can appear by Attorney.—*Const. No.* 570 *Act XXII.* 1839, *sec.* 1.

Such persons may appear by Attorney.

4282. Under these provisions, the power to imprison is only given in default of "*property within the District*" in which the fine could be levied; so that, unless it be at the time of conviction proved before the Magistrate, or confessed by the party fined, that he has no property within the District, an attempt to levy by Warrant must be made before the Magistrate can commit the offender. After conviction and demand of the fine the Magistrate may, in default of payment, immediately issue his Warrant to levy the fine; and default would be incurred, if the offender after demand made of payment, were to quit the Court without making payment. But the Magistrate has no authority, after conviction passed, to detain the defendant, or require bail for his appearance, till it be *ascertained* whether there be property within the District on which the fine can be levied. He can only take bail under Section 105 in such cases as are therein specified. If, however, it be at the time of conviction proved before the Magistrate, or confessed by offender, that he has no property within the District, the Magistrate (after recording the proof or confession last mentioned) may at once commit for the fine. The offender is not bound upon conviction to disclose his property, or to declare whether he has property or not. If he be known to have property, or if it be doubtful whether he have any within the District, the Magistrate should issue his Warrant to levy, and deliver it to his Officers for execution in the usual manner. The offender may rebut the proof tendered of his having no property, and give evidence of his having property, to prevent immediate commitment as above, and the Magistrate is bound to receive such evidence if tendered; and he should call upon the offender to say whether he has any thing to offer in contradiction of the evidence of no property. If a warrant to levy the fine be issued, it is indispensable that notice of the seizure and intended sale be given by public advertisement, and if practicable, by service on the offender himself, and the shortest notice that should be given is such as is requisite in

Fine how to be levied.

* This provision is repealed as to debts due from Officers and Soldiers being European British subjects by 4 George IV. cap. 81, sec. 57. And as it was enacted to provide more effectual redress in such civil controversies at a time when European British subjects were not amenable to the provincial Civil Courts, it might now be presumed that it is rendered invalid with regard to all such persons by Act VIII. 1859, sec. 4 which declares that no one is to be excepted from the jurisdiction of such Local Courts by reason of place of birth or descent: but the Nizamut Adawlut has ruled that it must be considered in full force until expressly repealed. That Court has also ruled that wages must be held to be a debt within the meaning of the term as used above.

i. e. 5 days.

cases of distress for rent* or the like. As to the meaning of the term property, it seems that the warrant of the Magistrate to levy may, in default of sufficient *personal* property, be executed on the *real* property, if any, of the offender. But it should be in all cases executed in the first instance on the personalty, because, as the statute makes no provision for the transfer of realty to the purchaser, difficulties might arise as to his title especially if he sue for possession in Her Majesty's Court. Only the right, title and interest (or property) of the offender can be sold. The Magistrate, or his Officer, may deliver over personal property seized and sold under the warrant to the purchaser; but has no authority to dispossess the party in possession of realty, or the deliver possession of it to the purchaser. He must leave him to recover possession by process of law. It may be that the offender has not the right of possession, but only the right of property. The Magistrate should deliver to the purchaser the certificate or other document usually delivered in the Mofussil to purchasers under judicial execution, and there ends his duty. If the executing Officer has sold (as he thought) merely the right, title, and interest of the offender, the purchaser has no remedy against the Magistrate, should that right, &c., prove to be moonshine. The risk of what property may be in the offender, lies with the purchaser. Of course no assurance of title or interest should be held out to the purchaser at the time of sale; and in such case the Magistrate can have no right to retain the purchase money until the title be ascertained. Opinion of Advocate General in.—*C. O. No.* 79 *of vol* 4, *L. P. Feb.* 25, *W., P. April* 16, 1852.

Procedure if a European British subject refuses to yield possession of property decreed to another.

4283. Where a European British subject had been guilty of the offence described in sec. 7, Act IV. 1840,* by retaining possession of a house awarded to another party, and refusing to admit the constable who first served him with a summons, and then held a warrant for his apprehension, the Advocate General was of opinion that in all cases of warrants for the arrest of a party *convicted* by a Magistrate or Justice of the Peace of any offence under the Act in question (or indeed under any Act giving similar power) the warrant may be executed (if necessary) by the breaking of a door or of the house in which the offender may be, *after demand of admittance* accompanied by *production of the warrant* and refusal to admit or open. The remedy is two fold, for the Officer may not only break the door in execution as aforesaid of the warrant for the arrest of the convicted offender; but, if he hold also the Magistrate's order to put the ousted party again into possession, he may, after demand and refusal of admittance, with production of his order as above, break open the door in execution of that order; and, once within the house, may arrest the offender under the other warrant. Opinion of Advocate General May 31, 1853. From this it would appear that the case must be tried *exparte*, if the defendant fails to appear on summons, and that the warrant must issue after conviction, and that in such case it is necessary to prove the due service of the summons and failure to appear on the date specified therein, by the deposition of the Officer employed to serve it.

POWERS OF JUSTICE.

Who may be admitted to bail on charge of felony and who may not.

Rule for taking evidence on behalf of the person charged

4284. Where any person is taken on a charge of felony or suspicion of felony before a Justice of the Peace, at any place beyond the local limits of the jurisdiction of any of Her Majesty's Courts of Justice erected or to be erected within the British Territories, and the charge is supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted raises in the opinion of the justice a strong presumption of the guilt of the person charged, such person is to the committed to prison by such justice in the manner hereinafter mentioned; but if the evidence given in support of the charge is not in the opinion of the justice such as to raise a strong presumption of the guilt of the person charged and to require his or her committal, or such evidence is adduced on behalf of the person charged as in his opinion weakens the presumption of his or her guilt, but there notwithstanding appears to him, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged is to be admitted to bail by such justice in the manner hereinafter mentioned: provided always that nothing herein contained is to be construed to require any such justice to hear evidence on behalf of any person so charged as aforesaid, unless it appears to him to be meet and conducive to the ends of justice to hear the same.—9 *George IV. cap.* 74, *sec.* 2.

* This Act has been repeated by Act XVII. 1862.

4285. The justice of the Peace before he admits to bail or commits to prison any person arrested for felony or on suspicion of felony, is to take the examination of such person, and the information upon oath of those who know the facts and circumstances of the case, and is to put the same or as much thereof as is material into writing, and the justice is to certify such bailment in writing; and every such justice has authority to bind by recognizance all such persons, as know or declare any thing material touching any such felony or suspicion of felony, to appear at the next Court of oyer and terminer or jail delivery, or superior criminal Court of sessions of the peace, at which the trial thereof is intended to be, then and there to prosecute or give evidence, against the party accused; and such justice is to subscribe all such examinations, informations, bailments, and recognizances, and to deliver or cause the same to be delivered to the proper Officers of the Court in which the trial is to be, before or at the opening of the Court.—9 *George IV. cap.* 74, *sec* 3.

Before any person charged with felony is bailed or committed the Justice is to take down in writing the examination, &c., and to bind witnesses to appear at the trial.

Examinations &c., to be delivered to the High Court.

4286. Every Justice of the Peace, before whom any person is taken on a charge of misdemeanor or suspicion thereof, is to take the examination of the person charged and the information upon oath of those who know the facts and circumstances of the case, and is to put the same, or as much thereof as is material, into writing, before he commits to prison or requires bail from the person so charged; and in every case of bailment is to certify the bailment in writing, and has authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and is to subscribe all examinations, informations, bailments, and recognizances, and to deliver or cause the same to be delivered to the proper Officer of the Court in which the trial is to be, before or at the opening of the Court, in like manner as in cases of felony.—*Ibid, sec.* 4.

How the justice is to proceed when any person is taken on a charge of misdemeanor or suspicion thereof.

4287. If any Justice offends in any thing contrary to the true intent and meaning of these provisions, the Court to whose Officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered is upon examination and proof of the offence in a summary manner to set such fine upon every such Justice as the Court thinks meet.—*Ibid, sec.* 6.

Penalty on Justice offending in any thing contrary to the intent and meaning of the above sessions.

4288. For the more effectual prosecution of accessaries before the fact to felony, it is enacted, that if any person counsels, procures, or commands any other person to commit any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, the person so counselling, procuring or commanding is to be deemed guilty of felony; and may be indicted and convicted either as an accessary before the fact to the principal felony, together with the principal felon; or after the conviction of the principal felon; may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted or is or is not amenable to justice, and may be punished in the same manner as any accessary before the fact to the same felony if convicted as an accessary may be punished; and the offence of the person so counselling, procuring or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which has jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas, or at any place on land, whether within Her Majesty's dominions or without: and in case the principal felony, and the offence of counselling, procuring or commanding have been committed indifferent places, the last mentioned offence may be enquired of, tried, determined, and punished in any of Her Majesty's Courts of Justice within the British Territories in India, having jurisdiction to try either of the said offences; provided always, that no person who has once been duly tried for any such offence, whether as an accessary before the fact or as for a substantive felony is to be liable to be again indicted or tried for the same offence. —*Ibid, sec.* 7.

Accessary before the fact may be tried as such or as a substantive felon by any Court which has jurisdiction, to try the principal felon, although the offence be committed on the seas or abroad.

If the offence be committed in different places, the accessary may be tried in any of the Queen's Courts in India having jurisdiction.

Accessary after the fact may be tried by any Court which has jurisdiction to try the principal felon.

If the offence be committed in different places the accessary may be tried in any Court having jurisdiction.

4289. If any person becomes an accessary after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be enquired of, tried, determined, and punished by any Court which has jurisdiction to try the principal felon, in the same manner as if the act, by reason whereof such person has become an accessary, were committed at the same place as the principal felony, although such act has been committed either on the high seas or at any place on land, whether within her Majesty's dominions or without, and in case the principal felony, and the act by reason whereof any person has become accessary, have been committed in different places, the offence of such accessary may be inquired of, tried, determined and punished in any of Her Majesty's Courts of justice within the British Territories in India, having jurisdiction to try either of the said offences; provided always that no person who has once been duly tried for any offence of being an accessary is to be liable to be again indicted or tried for the same offence.—9 *George IV. cap.* 74, *sec.* 8.

Accessary may be prosecuted after conviction of the principal, though the principal be not attainted.

4290. If any principal offender is in any wise convicted of any felony, it is lawful to proceed against any accessary, either before or after the fact, in the same manner as if such principal felon had been attained thereof, notwithstanding such principal felon should die or be pardoned, or otherwise delivered before attainder; and every such accessary is to suffer the same punishment, if he or she be in any wise convicted, as he should have suffered if the principal had been attainted.—*Ibid, sec.* 9.

In indictments for offences committed on the property of partners it may be laid in any one partner by name and others.

4291. In any indictment or information for any felony or misdemeanor wherein it is requisite to state the owner-ship of any property whatsoever, whether real or personal which belongs to or is in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it is sufficient to name one of such persons and to state such property to belong to the person so named, and another or others as the case may be; and whenever in any imdictment or information for any felony or misdemeanor it is necessary to mention, for any purpose whatsover, any partners, joint tenants, parceners, or tenants in common, it is sufficient to describe them in the manner aforesaid: and this provision is to be construed to extend to all Joint Stock Companies and trusties.—*Ibid, sec.* 10.

Aiders and abettors in offences punishable by Justice on summary conviction.

4292. If any person aids, abets, counsels or procures the Commission of any offence which is by this act punishable on summary conviction, either for every time of its Commission, or for the first and second time only, or for the first time only, every such person is, on conviction before a Justice of the Peace, to be liable for every first, second or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment, to which a person guilty of first, second, or subsequent offence as a pricipal offender is by this Act made liable.—*Ibid, sec.* 39.

A person may be apprehended in the act of committing an offence.

A Justice upon good grounds of suspicion may grant a search warrant.

A person to whom property suspected to be stolen &c., is offered may seize the party offering.

4293. Any person found committing any offence punishable either upon indictmnent or upon summary conviction by virtue of this Act, may be immediately apprehended without a warrant by any peace Officer, or by the party aggrieved, or by his servant, or any person authorized by him, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law: and if any credible witness proves upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any such offence has been committed the justice may grant a wrrrant to search for such property, as in the case of stolen goods: and any person to whom any property is offered to be sold, pawned or delivered, if he has reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power is required, to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property to be dealt with according to law.—*Ibid, sec.* 40.

4294. The prosecution for every offence punishable on summary conviction under this Act is to be commenced within three calendar months after the Commission of the offence, and not otherwise, and the evidence of the party aggrieved is to be admitted in proof of the offence.—9 *George IV. cap.* 74, *sec.* 41.

Summary proceedings must be commenced within 3 months.

4295. Where any person is charged on the oath of a credible witness, before any Justice of the Peace, with any such offence, the justice may summon the person charged to appear at a time and place to be named in such summons, and if he does not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode,) the justice may either proceed to hear and determine the case *exparte*, or issue his warrant for apprehending such person, and bringing him before himself or some other Justice of the Peace: or the justice before whom the charge is made may (if he so think fit) without any previous summons (unless where otherwise specially directed,) issue such warrant; and the justice before whom the person charged appears or is brought is to proceed to hear and determine the case.—*Ibid, sec.* 42.

Mode of compelling the appearance of persons punishable on summary conviction.

4296. Every sum of money which is forfeited for the value of any property stolen or taken, or for the amount of any injury done (such value or amount to be assessed in such case by the convicting justice) is to be paid to the party aggrieved, if known, except where such party has been examined in proof of the offence; or when the party aggrieved is unknown, such sum is to be applied in the same manner as the penalty: provided always, that where several persons join in the commission of the same offence, and are upon conviction thereof, each adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury, in every such case no further sum is to be paid to the party aggrieved than that which is forfeited by one of such offenders only, and the corresponding sum or sums forfeited by the other offender or offenders are to be applied in the same manner as any penalty imposed by a Justice of Peace is herein directed to be applied.—*Ibid, sec.* 43.

Application of forfeitures and penalties on summary convictions.

Proviso if more than one is adjudged to forfeit the value of the injury.

4297. In every case of a summary conviction under this Act, where the sum which is forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which is imposed as a penalty by the Justice, is not paid either immediately after the conviction or within such period as the justice at the time of the conviction appoints, it is lawful for the convicting Justice (unless where otherwise specially directed) to commit the offender to the common jail or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two calendar months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be) together with the costs, does not exceed fifty sicca rupees; and for any term not exceeding four calendar months, where the amount with costs does not exceed one hundred sicca rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount, with costs.—*Ibid, sec.* 44.

If a person summarily convicted, does not pay &c., the Justice may commit

Scale of imprisonment.

4298. Provided always that where any person is summarily convicted, before a Justice of the Peace of any offence against this Act, and it is a first conviction, it is lawful for the Justice, if he so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as is ascertained by the Justice.—*Ibid, sec.* 45.

The Justice may discharge the party from his conviction in certain cases.

4299. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act has paid the sum adjudged to be paid, together with costs under such conviction, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment

summary conviction is a bar to any other proceeding for the same cause.

adjudged in the first instance, or has been discharged from his conviction in the manner aforesaid, in every such case he is to be released from all further or other proceedings for the same cause.—9 *George IV. cap.* 74, *sec.* 46.

Form of conviction.

4300. The Justice before whom any person is convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case may require; *videlicit.*

"Be it remembered, that on the day of in the "year of our Lord at (*as the case may be*) A. O. "is convicted before me J. P. Magistrate of , and one of Her Majesty's Justices of "the Peace, for that the said A. O. did (*specify the offence, and the time and place when and where "the same was committed, as the case may be, and on a second conviction state the first conviction,*) and "I the said J. P. adjudge the said A. O. for the said offence to be imprisoned in the (or to be imprisoned in the and there kept to "hard labour) for the space of , or, I adjudge "the said A. O. for his said offence to forfeit and pay "(*here state the penalty, actually imposed, or state "the penalty, and also the value of the articles stolen, or the amount of the injury, and as the case "may be*) and also to pay the sum of for costs; and in default of immediate payment of "the said sums, to be imprisoned in the, (or to be imprisoned in the "and there kept to hard labour) for the space of "unless the said sums shall be sooner paid; (or and I order that the said sums shall be paid by "the said A. O. on or before the day of ;] "and I direct that the said sum of [i. e. the penalty only] "shall be paid to of aforesaid, in "which the said offence was committed, to be by him applied according to the directions "of the statute in that case made and provided; [or that the said sum of "*i. e. the penalty* shall be paid to &c., as before] and that the said sum of "[*i. e. the value of the articles* stolen or the amount *of the injury done*] shall be paid to C. D. "[*the party aggrieved unless he has been examined in proof of the offence, in which case state that fact "and dispose of the whole like the penalty, as before.*] Given under my hand and seal the day and "year first above-mentioned."—9 *Geo. IV. cap.* 74, *sec.* 47.

Conviction to be returned to the Sessions.

How far they are to be evidence in future cases.

4301. Every Justice of the Peace before whom any person is convicted of any offence against this Act is to transmit the conviction to the next Court of General or quarter Sessions, there to be kept by the proper Officer among the records of the Court and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper Officer of the Court, or proved to be a true copy, is to be sufficient evidence to prove conviction for the former offence, and the conviction is to be presumed to have been unappealed against until the contrary be shown.—*Ibid, sec.* 50

Having in possession more than 5 pieces of counterfeit coin without lawful excuse punishable with fine or 3 months imprisonment.

4302. If any person has in his custody, without lawful excuse, the proof whereof should lie on the party accused, any greater number of pieces than five pieces of any false or counterfeit gold or silver coin of any of the territories under the British Government in India or usually current and received as money in payment in any part of the British Territories in India, every such person, being thereof convicted upon the oath of one or more credible witness before one of Her Majesty's Justice of the Peace, is to forfeit and lose all such false and counterfeit coin; which are to be cut in pieces and destroyed by order of such justice: and is for every offence to forfeit and pay any sum of money not exceeding in value forty sicca rupees, or less than 20 (twenty) sicca rupees, in the currency of the place in which such offence is committed, for every such piece of

false or counterfeit coin which is found in the custody of such person, one moiety to the informer or informers, and the other moiety to the poor of the presidency, settlement, or place in which such offence is committed, and, in case any such penalty is not forthwith paid, it is lawful for such justice to commit the person or persons who are adjudged to pay the same to the common jail or house of correction, there to be kept to hard labour for the space of three calendar months, or until such penalty shall be paid.—9 *George IV. cap.* 74, *sec* 75.

Persons in possession of ship wrecked goods not giving a satisfactory account, punishable by fine.

4303. If any goods, merchandise, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded or cast on shore, are by virtue of a search warrant to be granted as hereinafter mentioned, found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a Justice of the Peace, does not satisfy the justice that he came lawfully by the same, then the same is by order of the justice to be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on the conviction of such offence before the justice, is to forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding two hundred sicca rupees, as to the justice seems meet.—*Ibid, sec.* 91.

Ship wrecked goods offered for sale may be sized.

4304. If any person offers or exposes for sale any goods, merchandise, or articles, whatsoever, which have been unlawfully taken, or reasonably suspected so to have been taken, from any ship or vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same is offered for sale, or any officer of the Customs or Excise, or peace Officer, may lawfully seize the same, and is with all convenient speed to carry the same, or to give notice of such seizure, to some Justice of the Peace; and if the person who has offered or exposed the same for sale, being duly summoned by such justice, does not appear and satisfy the justice that he came lawfully by such goods, merchandise or articles, then the same are by order of the justice to be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender, on conviction of such offence by the justice is to forfeit and pay, over and above the value of the goods, merchandise or articles, such sum of money, not exceeding two hundred sicca rupees, as to the justice seems meet.—*Ibid, sec.* 92.

Stealing dogs, or beast or birds, kept in confinement.

4305. If any person steals any dog, or steals any beast or bird ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender, being convicted thereof before a Justice of the Peace, is for the first offence to forfeit and pay, over and above the value of the dog, beast, or bird, such sum of money, not exceeding two hundred rupees, as to the justice seems meet; and if any person so convicted is afterwards guilty of any of the said offences, and is convicted thereof in like manner, every such offender is to be committed to the common jail or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice thinks fit; and on such subsequent conviction the justice may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.—*Ibid, sec.* 97.

Receivers of property where the original offence is punishable summarily are punishable as original offenders.

4306. Where the stealing or taking of any property whatsoever is by this act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who receives any such property, knowing the same to be unlawfully come by, is on conviction thereof before a Justice of the Peace to be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.—*Ibid, sec.* 113.

Breaking down the dam of a fishery, &c.

4307. If any person unlawfully and maliciously breaks down or otherwise destroys the dam of any fish pond, or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish; or unlawfully and maliciously puts any lime or other noxious material in any such pond or water with intent thereby to destroy any of the fish therein; every such offender, being convicted thereof before a Justice of the Peace, is to forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding fifty sicca rupees, as to the justice seems meet.—9 *George IV. cap.* 74, *sec.* 121.

Malice against the owner of the property not essential to the

4308. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, is equally to apply and to be enforced, whether the offence is committed from malice conceived against the owner of the property in respect of which it is committed, or otherwise.—*Ibid, sec.* 124.

Stealing the whole or part of any growing tree &c., or of any pale, post or stile, or any growing cultivated plant &c., or maliciously injuring any real or personal property.

4309. If any person steals the whole or any part of any growing tree, sapling or shrub, or any underwood, or of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or unlawfully and maliciously commits any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a Magistrate or Justice of the Peace is for the first offence to forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding fifty rupees as to the Magistrate or Justice of the Peace seems meet; and if any person so convicted is afterwards guilty of any of the said offences, and is convicted thereof in like manner, every such offender is, for such second offence, to be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting Magistrate or Justice of the Peace thinks fit.—*Act XXXI.* 1838, *sec.* 29.

Application of forfeiture for such offence.

4310. Every sum of money which is forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting Magistrate or Justice of the Peace) is to be paid to the party aggrieved, if known, except when such party has been examined in proof of the offence; and in every case of a summary conviction under this Act when the sum which is forfeited for the amount of the injury done, or which is imposed as a penalty by the Magistrate or Justice of the Peace, is not paid, either immediately after the conviction or within such period as the Magistrate or the Justice of the Peace at the time of conviction appoints, it is lawful for the convicting Magistrate or Justice of the Peace to commit the offender to the common jail or house of correction to be imprisoned only, or to be imprisoned with hard labour according to the discretion of the Magistrate or Justice of the Peace, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be) together with the costs does not exceed fifty rupees, and for any term not exceeding four calendar months when the amount with costs does not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.—*Act XXXI.* 1838, *sec.* 30.

In case of the non-payment of any forfeiture or penalty for such offence, the Magistrate or justice may award a term of imprisonment.

If the forfeiture is realized from several, the amount forfeited by one only is to be paid to the party aggrieved.

4311. Provided always that where several persons join in the Commission of the same offence, and are, upon conviction thereof, each adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum is to be paid to the party aggrieved than that which is forfeited by one of such offenders only.—*Ibid, sec.* 31.

Summary conviction for such offence is a bar to

4312. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act has paid the sum adjudged to be paid together with costs under such

conviction, or has suffered the imprisonment awarded for non payment thereof, every such person is to be released from all further or other proceedings for the same cause.—*Ibid, sec.* 32.

any other proceeding for the same cause

4313. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence is equally to apply and to be enforced whether the offence has been committed from malice conceived against the owner of the property in respect of which it is committed or otherwise.—*Ibid, sec.* 33.

Malice against the owner of the propertynotessential to the offence.

4314. It is not necessary in any proceeding either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.—*Ibid, sec.* 34.

Ownership of such property, if for the use of the public.

4315. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under the statute 53 George III chapter 155 section 105 or under Act VII. of 1853 (*to extend the jurisdiction of Magistrates under the* 53 *George III chapter* 155 *section* 105 *in cases of assault, forcible entries, and other injuries accompanied with force not being felonies)* or under section 163 or 165 of this Act, may appeal to the Court of Session having jurisdiction at the place at which the Appeal would have been heard had the sentence been passed by a Magistrate subordinate to such Court. Cases appealed under this Section shall not be afterwards liable to revision by means of a writ of *certiorari*. Provided that nothing in the Section shall be held to take away the power of quashing any conviction by means of a writ of *certiorari* in any other case than when there has been such an Appeal as aforesaid.—*Act XXV. of* 1861, *chap.* 30 *sec.* 410.

Appeal from the Justices of the Peace.

4316. No Appeal lies from the order of a Magistrate under Section 106 of the statute, as it is expressly stated therein that the Magistrate's decision is to be final and conclusive to all intents and purposes.—*Letter of Niz. Adaw. to Judge of Tirhoot No.* 1331, *November* 30, 1849.

But no appeal lies from order under Sec. 106.

4317. All convictions, judgments, orders, and other proceedings, which are had, made, or pronounced by or before any Justice of thePeace within any of the British settlements or territories in India, out of the Court of oyer and terminer within and for the same, are and may be removeable by writ of *certiorari* into the Court of oyer and terminer and jail delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it is and may be lawful to and for any one or more of the Justice of the said Court of oyer and terminer and jail dalivery, and such justice or justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace, or other proper Officer, to award a writ of *certiorari* under the seal of the Supreme Court of judicature for the removal and bringing of such conviction, judgment order or other proceeding into the said Court of oyer and terminer and jail delivery, and the said Court of oyer and terminer and jail delivery has full power and authority to hear and determine the matter of such conviction, judgment, order and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgment thereon, in the like manner as the Court of Queen's Bench at Westminister can or may do upon convictions, judgments, orders or other proceedings had or made by or before any Justice of the Peace, or Court of quarter sessions in England, removed or brought into the said Court of Queen's Bench by writ of *certiorari*.—33 *George III cap.* 52 *sec.* 153.

Proceedings of Justices of the Peace how to be removed into the Supreme Court by writ of *certiorari*.

4318. Before the granting of any such writ the like recognizances are to be entered into, and the party or parties applying for such writ are to be put under the same terms and conditions, in all respects, as are by law directed and provided in the cases of writs of *certiorari* awarded or granted for the removal of any conviction judgment, order, or other proceeding had

On what conditions writs of *certiorari* are to be granted.

or made by or before any Justice or Justices of the Peace in England into the said Court of Queen's Bench, or as by the usage and practice of the same Court hath been accustomed.—38 *George III. cap.* 52, *sec.* 154.

Annual list of Justices of the Peace.

4319. In continuation of my circular No. 175, A. dated 31st. January last Iam directed to request that, in addition to the half yearly lists of Justices of the Peace within your division which you are required to furnish on the 1st. January and on 1st. July in each year you will submit annually, on the latter date a list of Officers within your division convenanted and uncovenanted who are not Justices of the Peace although qualified to be so, in order that steps may be taken for having them duly enrolled in the Commission.—*C. O. Govt. W. P. No.* 2749*A*, *Oct.* 10, 1861.

CHAPTER X.

OF COVENANTED CIVIL SERVANTS.

SECTION I.

EXAMINATION OF CANDIDATES FOR THE INDIAN CIVIL SERVICE.

CIVIL SERVICE EXAMINATION.

Time of examination. Documents to be submitted by candidates to the Civil Service Commissioners.

4320. The Annual Competetion for the Indian Civil Service takes place in July, and any natural born subject of Her Majesty will be entitled to compete, provided he shall on, or before the 1st. of May, have transmitted to the Civil Service Commissioners, Deans yard, London S. W., the following documents:

(a) A certificate of his birth; showing that his age on the 1st of May, in the year of his examination will be above eighteen years and under twenty two years.

(b) A certificate signed by a Physician or Surgeon, of his having no disease, constitutional affection, or bodily infirmity, unfitting him for the Civil Service of India.

(c) Satisfactory proof of good moral character (should any doubt arise as to the eligibilty of a candidate in respect to age, health, or character, inquiries will be instituted by the Commissoiners.)

(d) A statement of the particular branches of knowledge selected from those hereafter enumerated in which he desires to be examined.

Branches of knowledge in which candidates will be examined.

The comparative merit of the candidates will be estimated by marks, the greatest number obtainable being shown in the following statement, which includes all the branches of knowledge in which candidates will be examined:—

	Marks.
English Composition	500
English Literature and History, including that of the Laws and constitution	1,000
Language, Literature and History of Greece	750
ditto ditto ditto Rome	750
ditto ditto ditto France	375
ditto ditto ditto Germany	375
ditto ditto ditty Italy	375
Mathematics Pure and Mixed *	1,250
Chemistry, Electricity, Magnetism, Geology, Mineralogy (for adequate proficiency in any three of these subjects)	500
Mental and Moral Philosophy and Logic	500
Sanscrit Language and Literature	500
Arabic Language and Literature	500
Total ..	7,375

* These rules have been taken from the "Hand Book of the Civil Service, London Cassel's Elementary Hand Books 1861, P. P. 36-43.

To make this clearly understood, suppose eighty vacancies are to be filled up, for which a large number of competitors are examined.

The candidate "A." chooses from the above subjects.

Composition for which the greatest number of marks he can obtain is	500
French language and Literature	375
Geology Mineralogy and Chemistry	500
Mathematics Pure and Mixed	1250

Should he thoroughly succeed in the examination, the marks in his favour may be the sum of those cited above, *viz.*, 2625 and they cannot exceed that number. But "B" and "C" and perhaps 150 or 200 other candidates may submit to examination in a greater variety of subjects and if they are competent will obtain a greater number of marks. Should this be the case, A, must necessarily fail. Practically there is little danger of this, if five or six subjects are carefully studied, for only a few individuals of superior talent would be likely to succeed in a greater number the first year. No candidate will be allowed any marks in respect of any subject of examination, unless he shall obtain, in respect of that subject, one sixth of the number of marks set against that particular subject.

Selection of Presidency.

The examination will be conducted by means of printed questions, the answers to which must be written, and by *viva voce* examination as may be deemed necessary. We have supposed eighty vacancies to supply which, out of the total number of candidates examined, the eighty best men will be selected. These eighty will then be permitted to choose (according to the Order in which they stand and as long as a choice remains, the presidency to which they shall be appointed.

Second examination to be passed at end of year by selected candidates.

The candidate is now supposed to be elected to the Civil Service of India, but he is not yet allowed to proceed. A second examination must be passed at the end of a year. Each selected candidate is allowed £ 100 by the Commissioners provided only that he pass the second examination. The subjects to which he must apply himself during the year of probation are the following, the greatest number of marks being affixed as before.

Subjects of such examination, £ 100 allowed on passing second examination.

	Marks
Sanscrit	500
Vernacular Languages of India each	350

(Each candidate may name one or two Languages. If he name one only it must be either Sanscrit or a Vernacular language current in the Presidency which he has selected.)

	Marks
The History and Geography of India	500
The general Principles of Jurisprudence and the elements of Hindu and Mahomedan Law	1000
Political economy	500

The acquisition of a practical knowledge of law in the manner hereinafter specified, the marks for which will not count with the above, this being an extra requirement, is announced in the Fifth Report just published. No candidate will be permitted to proceed to India until he shall have passed the second examination, or after he shall have attained the age of twenty five years (formerly twenty four years.) Before proceeding likewise, the Commissioners must be satisfied that he is of sound bodily health and good moral character, and they will require such further evidence on these points as may be deemed necessary.

Examples illustrating the nature of questions.

We will now illustrate, by examples taken from the examination papers in the Fourth and Fifth Reports, the nature and extent of the appointed studies in the order cited above :—

FIRST EXAMINATION.

English composition.

(a) English composition.—Three of the following questions only were to be attempted, of which No. 2 or No. 5 was required to be selected as one :—

1. Sketch the life and character of any great statesman, or of any great mechanical inventor, or of any great general, of our own country.

2. Write an essay on any one of the following topics :—(1) "The influence of Travel as a Means of Education," (2) "The influence of Rhyme on Poetry," (3) "The influence of Gold Discoveries on Civilisation."

3. Write a letter to a friend, describing the room in which you are at present sitting, and the occupation in which you have been engaged.

4. Write a letter describing the ascent of a high mountain, or the descent into a mine.

5. Write an essay on the Liberty of the Press.

6. Describe the great comet of 1858.

English Literature.

(b) English Literature.—We select a few topics only from an examination paper, which runs through several pages of the Report :—

1. Give an account of the Brut of Layamon, or of the Ormulum, or of the Chronicle of Robert of Gloucester, or of the chronicle of Robert de Brunne, or of the Visions of Piers Plowman; noticing the date, authorship, language, form of verse, and subject.

2. Give a similar account of Chaucer's Canterbury Tales, or of Gower's Confessio Amantis.

3. Sketch the origin and growth of the English drama to the apppearance of Shakespeare.

4. Estimate the influence exercised by popular poetry on the character and spirit of a nation, and quote any striking passages that you may remember from English or Scottish ballads.

5. Compare Chaucer, Spenser, Dryden, Pope, and Wordsworth: first, in respect of the general spirit and manner of their Poetry; and secondly, in respect of their versification.

6. Sketch the Biography of Pope, or of Swift, or of Johnson, or of Burke, or of Scott, &c.

English History.

(c) English History.

1. Describe distinctly, in so many sentences or short paragraphs, the political position of South Britain at the following dates :—

The middle of the second century; of the 4th; of the 6th; of the 8th; and of the 10th; indicating the changes of population, of language, religion, and of name, as well as of Government, through which the country passed in those eight hundred years.

2. Sketch the course of events from the accession of Harold II. to the coronation of William of Normandy; noticing the leading circumstances of the battles of Stamford Bridge and Hastings, and comparing the latter with the battle of Flodden.

3. Explain what is generally held to have been the origin of the Courts of King's (or Queen's) Bench, common Pleas, and Exchequer; the meaning of the titles of Chancellor and Justices in Eyre; and the original nature of Trial by Jury.

4. Explain the claim of Edward III. to the crown of France, stating precisely the several principles of succession which it involved or assumed, &c.

Language Literature and History of Greece.

(d) Language, Literature, and History of Greece.—We give one or two questions only, as sufficient to indicate the general character of the examination papers :—

1. What was the geographical extent of the term Hellas in the time of Thucydides? What reason is there for believing that the Greeks were a mixed nation, and to which branches of the Arian family may their different elements be assigned?

2. and 3, relating to the language and laws of Greece, omitted.

4. An eminent Greek author, not a native of Athens, arrived there for the first time in B. C. 367. State the circumstances of his life before and after this time, and mention the subjects of his principal works. During the period of nearly 20 years, which he spent at Athens on his first visit, what persons, eminent in literature, science, and public life, had he an opportunity of meeting in that city?

5. Detail the proceedings of Alexander the Great from his invasion of Drangiana in B. C. 330 to his arrival at Pura in B. C. 326. Which of the countries or cities mentioned by his Greek historians can be identified, and what are the modern names?

Compare the Greek and Indian accounts of Sandrocottus. What reason is there for preferring the reading Sandrocottus in Athenœus? Where and how were Cleitus and Callisthenes slain? State what you know of the life and writings of Megasthenes.

Language, Literature and History of Rome, France, Germany and Italy.

(e) Language, Literature, and History of Rome.—Necessarily of the same general character as the preceding questions relative to Greece.

(f) Language, Literature, and History of France, Germany, Italy.

We insert a few literary questions relative to Germany, as sufficient specimens of all the examination papers relative to modern European nations :—

1. Divide the history of German Literature into periods, and state the grounds on which your division is based.

2. Mention the names of the German classics who wrote at the beginning of the thirteenth century, and describe some of their works.

3. Name some of Luther's contemporaries whose works are of importance in the history of German Literature.

4. Explain the meaning of "Alliterative Poetry," and mention some specimens of it in German.

5. What is the date of the poem of the Nibelungo as we now possess it? How can it be explained that the name of its author should be unknown?

6. Describe the influence which the Court of Weimar exercised on the history of German Literature.

(g) Mathematics, Pure and Mixed.—In Pure Mathematics it may be sufficient to state that questions are set as far as Equations; in Mixed Mathematics the following occur among many others :— Mathematics, Pure and Mixed.

1. A Point placed at the centre of an equilateral triangle is urged towards the angles by forces equal to 1, 2, and 3, lbs. respectively: determine the direction and magnitude of the resultant.

2. Find the centre of gravity of the frustum of a Pyramid cut off by a plane parellel to its base.

3. Show that the principle of virtual velocities holds good for the wedge.

4. In what time would a body falling in vacuo by the action of gravity acquire a velocity of 1,000 feet in a second?

5. (a) Two inelastic balls moving in the same direction, but with different velocities, come into collision: determine the motion after impact. (b.) Discuss the question on the supposition that the balls are elastic.

(h) Chemistry. Chemistry.

1. Define an element in Chemistry. Enumerate the compounds of Phosphorus and Oxygen. Explain the constitution of the different kinds of Phosphoric Acid, and state how they may be distinguished.

2. Describe the mode of preparing common bleaching powder, and explain the chemistry of the process. Describe also some one method of readily finding the commercial value of a sample.

3. Determine what acid and bases are contained in the mixture set before you; state distinctly the reasons for your conclusions, &c.

(i) Mineralogy. Mineralogy.

1. Enunciate the laws of symmetry in the Rhombohedral (Hexagonal) systems. What is a derhombohedral combination? In which direction is there double refraction in crystals of this system, and in which none.

2. What is meant by dimorphism? Give instances of dimorphous minerals.

3. Describe the phenomena of pyro electricity in minerals, &c.

(j) Geology, Natural History.—In these examinations specimens are generally set before the candidate, and he is required to identify them, and name their place in the system. Questions in the natural history of the rocks, and the physiology of plants, are also set. Geology. Natural History.

(k) Electricity and Magnetism.

1. Explain what is called the back or return stroke of lightning, by which animals are frequently killed; also the use and action of lightning conductors.

2. State the law of force of attraction or repulsion between two bodies electrically excited, and give an account of the way in which it has been established. Do you regard the evidence as conclusive? Mention any limitations as to the generality of the law. Electricity and Magnetism.

3. Describe, in its simplest form, an electromagnetic machine for obtaining currents by induction; and explain its action.

4. What are secondary poles in a magnet? Explain how they arise and how they may be detected.

5. Describe the phenomena of Diamagnetism, and mention the substances which exhibit this property in a marked degree. How may the Diamagnetism of a liquid be found?

Moral and Political Philosophy

(l) Moral and Political Philosophy.

1. Describe the various circumstances or situations which give birth to the pleasurable sentiment of power.

2. Enumerate and characterise the benevolent affections, and indicate the fundamental emotion that they may be referred to.

3. Illustrate the uniformity of sequence of motives and actions in the human will, &c.

Logic and Mental Philosophy.

(m) Logic and mental philosophy.

1. What is the province of the science of logic?

2. Give the reason why, in logic, names must be studied before things.

3. Explain and exemplify induction.

4. What are the conditions requisite to a sound observation?

5. State the classification of mind which most commonly prevails at the present times, &c.

6. Mention any facts tending to show the intimate connection between mind and the bodily functions and mechanism.

7. Enumerate the laws of association, with examples of each.

8. What do you consider the proper, and what improper, objects of inquiry in the science of mind?

Sanscrit Language and Literature.

(n) Sanscrit Language and Literature.—Quotations in the Sanscrit character are set for translation, and questions are put relative to the construction of the language; the candidate will also be required to translate English into Sanscrit. Questions on the literature of India may be such as follow:—

1. Who was Panini? About what period is he supposed to have flourished? Give an outline of his system.

2. What is the subject of the Bhagavad-gita, Megha-duta, Kumara samb-hava, Raghu Vansa, Nalodaya? and to what authors are these compositions attributed?

3. Mention the distinguishing features of the six systems of Hindu philosophy.

4. Give an outline of the plot of the Sakuntala. What other dramas were composed by Kalidasa?

5. Compare the religion of the Vedas with that of the code of Manu, and show how both differ from the present system of Hindu mythology, &c.

Arabic Language and Literature.

(o) Arabic Language and Literature. Similar to the preceding.

SECOND EXAMINATION.

SECOND EXAMINATION.

The second examination (to prepare for which, as already explained, a year is allowed) is distinguished from the first by its direct reference to India. The subjects are few and practical, but the questions by far more copious, being designed to test the candidate's fitness for proceeding at once on his duties among a strange people. Our examples are confined to questions in the geography and history of Hindustan, those in Sanscrit and the vernacular languages of India requiring the native character. It is sufficient to state, that the candidate must be able, at the least, to read a native document, and to translate it, without error, into English.

Geography,

(p) Geography (from the papers in the Fourth Report).

1. Delineate or describe the general configuration of India.

2. What are its area and population?

3. Of these, what are the respective proportions subject to British and to native authority?

4. Into what portions may India be conveniently divided?

5. What are the principal mountain ranges?

6. What is the extent and direction of the Himalaya from west to east, and what may be considered as its eastern termination?

7. What are its principal elevations and passes?

8. What celebrated lakes lie to the north of the Himalaya, and by what Europeans have they been visited?

9. Where are situated the states of Balti and Ladakh ?

10. What country lies east of Ladakh ?

11. What line of lofty mountains bounds the high lands of Little Thibet to the north, and to what large river does it give rise ?

12. What are the principal rivers in Upper India, in Central and Western India, and in the South ?

13. Describe the course of the Indus on the north of the Himalaya and its feeders before it breaks through the mountains ?

14. What is the distance of Calcutta from the Sea at Saugor ?

15. What are the latitude and longitude of Calcutta ?

16. How often in the year is the sun vertical in Calcutta ?

17. What are the seasons in the latitude of Calcutta, and their respective average temperature ?

18. What is the estimated population ; and of that, what portion is Christian ?

19. What are the chief articles of export and import, and what their respective value, of late years.

20. The Bengal Presidency comprises :—(1) The Lower Provinces of Bengal Proper ; (2) The North-west Provinces of the Agra Lieutenant Governorship ; (3)The Saugor and Nerbudda Commissionership ; (4) The South-west Frontier Agency ; (5) The Punjab. What Provinces are included under each of these divisions, and what are the areas and populations of the five respectively, &c.

(q) History (from the papers in the Fourth Report) History.

1. Name the principal works of authority for the Hindu portion of the history of India.

2. What vestiges remain of what may be considered as the aboriginal population of India ?

3. To what class of the nations of antiquity are the Brahmanical Hindus supposed to belong, and what are the grounds of classification ?

4. Are the Hindus of Hindustan and the Dakhin of the same stem ?

5. In what part of India did the Brahminical Hindus first settle ?

6. What degree of civilisation had they attained some fourteen or fifteen centuries B. C. ?

7. What are the primary distinctions of caste, and their several duties ?

8. Was the classification contemporary with the earliest condition of the Hindu community, or was it of later introduction ?

9. What is the present state of the Hindu population with respect to caste ?

10. What were the leading objects of Buddhism, and when and by whom was it introduced ?

11. When did it disappear from India, and why ?

12. What is its present state ?

13. To what works are we chiefly indebted for our knowledge of the history and doctrines of Buddhism ?

14. What classical (Greek or Latin) authors have preserved any account of India prior to the Christian era ?

15. What is the date of Alexander's invasion ?

16. How far did he penetrate, and by what route did he return ?

17. How long did Greek Princes exercise sovereignty in India, and in what parts of it ? Mention some of the most celebrated.

18. With which of the seluecidan Kings of Persia was a friendly intercourse with India maintained, and by whom and to whom was Megasthenes sent ambassador ?

19. What means have we of knowing anything of the political condition of India from the time of Alexander to that of the first Mohammedan invasion, and what does it appear to have been ?

20. When and where did the Mohammedans make their first appearance in India ?

21. Did they then effect any permanent establishment ?

22. Who was Mahmud of Ghizne ; &c.

Jurisprudence.

(r) Jurisprudence, &c.—We have sufficiently exemplified the character of the examinations in law generally; but the fifth Report of the Commissioners, just published, contains copies of circular letters which they have addressed to the probationary candidate for the Civil Service of India, relative to the test studies prior to the second examination, fixed for July. The Commissioners are anxious that the candidates, before proceeding to India, should acquire some practical knowledge of the working of our laws by attendance in the Courts. The correspondence in the Fifth Report, commencing p. 150, will supply all the necessary details; for example, the Courts to be attended, and the notes to be made on the legal procedure at the trials.

SECTION II.

EXAMINATION OF COVENANTED CIVIL SERVANTS IN THE VERNACULAR LANGUAGES OF INDIA.

4321. The following Rules are prescribed for the Examination of the newly appointed Members of the Bengal Civil Service in the languages of India prevailing in the Presidency of Fort William, for their guidance and control, until declared qualified for the Public Service by knowledge of those languages, and for the discharge of other duties formerly performed by the Secretary, and Examiners of the College of Fort William.—*Examination Rules Oct.* 2, 1861.

Formation of the Board of examiners.

4322. There shall be a Board of Examiners in Calcutta consisting of a President and as many Members, ex-officio or otherwise, as the Government may from time to time appoint, with a Secretary who may be also a Member of the Board.—*Ibid, rule* 1.

Of subcommittees.

4323. For the more convenient dispatch of business the Board may form itself into Sub-Committees, each consisting of two or more of its Members, and the President shall appoint a Secretary to each Sub-Committee from among the Members of the Board and its Secretary. There shall be one Sub-Committee for the examination of Civil Servants by the qualification test and for honors, and for the performance of the other duties formerly discharged by the Examiners of the College of Fort William; and another Sub Committee for the examination of Assistants. The correspondence and miscellaneous executive business of the Board shall be conducted by the Secretary acting under the orders of the President.—*Ibid, rule*, 2.

President.

4324. The President of the Board shall be the President of each Sub-Committee and the Act of each Sub-Committee shall be and be described to be, the Act of the Board.—*Ibid, rule* 3.

Newly arrived member of Civil Service to report to Secretary.

4325. Every person appointed a Member of Her Majesty's Civil Service on the Bengal Establishment shall, immediately on his arrival in Calcutta, report himself in person to the Secretary to the Board.—*Ibid, rule* 4.

To be under orders of the president until he goes to the interior.

4326. Every such Civil Servant on his arrival in Calcutta, and until he is either attached to the Public service or directed or permitted to proceed into the Interior, is under the orders and authority of the President of the Board of Examiners, and is bound to obey all orders, general or special, which he may receive from the President, either direct or through the Secretary to the Board. All such orders shall be regularly entered in an Order-Book to be kept by the Secretary.—*Ibid, rule* 5.

4327. The newly appointed Civil Servants will be allotted to the different Divisions of the Presidency in such proportions as may be determined from time to time by the Government of India. Applications for an exchange from one Division to another must be submitted to Government through the Board of Examiners.—*Ibid, rule* 6.

To qualify himself by knowledge of two languages.

4328. Every Civil Servant must qualify himself for the Public Service by knowledge of two languages according to the prescribed test. Those allotted to the Lower Provinces must qualify in

Bangalee and Oordoo. Those allotted to the North-West Provinces, the Punjab, and Oude, must qualify in Persian and Hindee.—*Examination Rules, Oct.* 2, 1861, *rule* 7.

Monthly examinations.

4329. There shall be a general monthly examination at the commencement every calendar month, at which all unpassed Civil Servants, resident in or near Calcutta, are required to attend. Intermediate examinations are not to be held, except under peculiar circumstances, and with the express sanction of the President.—*Ibid, rule* 8.

Period by which the examinations should be passed. In case of failure to be sent to interior.

4330. Every Civil Servant is expected to pass the test of qualification in one language at or before the seventh general monthly examination, and in a second language at or before the thirteenth general monthly examination, after his arrival in India. Failing either of these expectations a Civil Servant will not be allowed to remain in Calcutta, but will be sent to complete his studies under some Civil Authority at a Station in the interior.—*Ibid, rule* 9.

Permission to prosecute his studies in the interior.

4331. On good cause being shown, a Civil Servant will be permitted to prosecute and complete his studies under some Civil Authority at a Station in the interior.—*Ibid, rule* 10.

Failing to pass the two examinations within 18 months to be removed from the service.

4332. A Civil Servant who fails to pass the test in two languages within eighteen months from the date of the first monthly examination after his arrival in India (allowance being made for duly certified sickness), will, on the expiration of that period, be finally removed from the Service.—*Ibid, rule* 11.

Study for honors.

4333. No Civil Servant will be permitted to study for honours except in Calcutta, and unless he pass the test of qualification in two languages at or before the eighth general monthly examination after his arrival in India.—*Ibid, rule* 12.

What persons not to be allowed to study for honors.

4334. No Civil Servant will be permitted to continue studying for honors, of whom it is reported by the Board, in the general examination Report of each month, that he is not making good progress, and is not likely, within the prescribed time, to obtain either a certificate of high proficiency or a degree of honor, as the case may be.—*Ibid, rule* 13.

Period allowed for obtaining honors.

4335. Twelve months from the first monthly examination, after the date of arrival is the extreme period allowed for obtaining honors in one language, and eighteen months from the same date for obtaining honors in two or more languages.—*Ibid, rule* 14.

Study for honors in a second language.

4336 No Civil Servant who fails to obtain a Certificate of high proficiency within eight months from the first monthly examination after arrival shall be permitted to study for honors in a second language.—*Ibid, rule.* 15.

First language in which a Civil Servant will be allowed to study for honors.

4337. The first language in which a Civil Servant will be permitted to study for honors is the Vernacular Language of the greater part of that Division of the Presidency to which he is allotted that is to say, Bengalee for the Lower Provinces, and Hindee or Oordoo for the North-West Provinces, the Punjaub and Oude. After obtaining a degree of honor or a Certificate of high proficiency in any one of these languages within the prescribed term, a Civil Servant may apply himself to the study of any other of the dead or living languages of India.—*Ibid, rule* 16.

Test of qualification.

4338. The following is the test of qulification in the several languages :

Construeing with readiness and accuracy from the undermentioned books :

Persian.—Anwari Soheilee (first three chapters) and Gulistan.

Oordoo.—Bagh-o-bahar and Ikhwan-us-Safa.

Hindee.—Prem Sagur.

Bengalee.—Batal Punchabinshati and Bangalar Itihas.

Translating into English with accuracy a passage, in an easy narrative style, not taken from the test-books.

Translating intelligibly and with accuracy of Grammar, into the language in which the examination is held, an English paper of an easy narrative style.

Translating in like manner a paper of English sentences.—*Ibid, rule* 17.

Of High proficiency.

4339. The following is the test of high proficiency :—

Construeing with readiness and accuracy from the undermentioned books :—

(1.)	In Arabic, ...	1. Ikhwan-us-Safa. 2. Nafhat-ul-yaman.
(2.)	Persian,...	1. Gulistan. 2. Bostan. 3. Anwari Soheilee.
(3.)	Hindoostance or Oordoo, ...	1. Ikhwan-us Safa. 2. Nasr-i-Be-Nazir. 3. Araish-i-Mahfil.
(4.)	Sanscrit, ...	1. Hitopodesha. 2. Rughuvansa.
(5.)	Hindee, ...	1. Rajneeti. 2. Prem Sagur. 3. Vidyankur.
(6.)	Bengalee,..	1. Dasa Kumar Charita. 2. Betal Punchabinshati. 3. Purush Parikya.

Translating from and into English, as prescribed for the test of qualification, but from papers of a more difficult nature and with greater accuracy of idiom and neatness of expression.—*Ibid, rule* 18.

Test for degree of honors.

4340. The following is the test for a degree of honor.

Construeing with readiness and accuracy from the undermentioned books :—

(1.)	In Arabic, ...	1. Hammasah. 2. Faimur Namah. 3. Muguamati Hariri.
(2.)	Persian, ...	1. Akhlaqui Julali. 2. Inshai Abulfuzul. 3. Sikandur Namah. 4. Dewani Hafiz.
(3.)	Hindoostance or Oordoo, ...	1. Nasr-i-be-Nazir. 2. Fisanah-i-Ajaib. 3. Dewani Atash (1st half.) 4. Kaliyati Souda—Extracts from (College Edition.)
(4.)	Sanscrit, ...	1. Viracharita. 2. Kirtarjuna. 3. Sakuntalla Nataka.
(5.)	Hindee, ...	1. Rukmini Parinaya. 2. Sabha Bilas. 3. Ramayan, by Tulsi Das. 4. Ram Geetaboli.
(6.)	Bengalee, ...	1. Kadambari. 2. Dasa Kumar Charita. 3. Mahabharata. 4. Probodh Chandrika.

Translating into English with accuracy two passages, one in prose and the other in poetry, selected from some difficult work not being a test-book.

Translating a difficult passage from English with accuracy, elegance, and neatness of expression, and perfect Correctness of Spelling and Grammar.

Conversing (in the Vernacular languages) with accuracy and fluency.

The examination for a degree of honor will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency. —*Examination Rules Oct.* 2, 1861, *rule* 19.

Donation for certificate of high proficiency.

4341. To every Civil Servant who gains a certificate of high proficiency there shall be awarded a donation of eight hundred Rupees, and a certificate under the signature of the President of the Board. —*Ibid, rule* 20.

A degree of honor.

4342. To every Civil Servant who gains a degree of honor, there shall be awarded, a donation of one thousand six hundred Rupees, and a diploma under the signature of the head of the Government of India.—*Ibid, rule* 21.

4343. But two pecuniary rewards for the same language will not be given; and if, after obtaining a certificate of high proficiency, a Civil Servant becomes entitled to a degree of honor in the same language, he shall on the second occasion, receive only the difference between the rewards attached to these two several distinctions.—*Examination Rules, Oct.* 2, 1861, *rule* 22.

Two rewards not to be given for the same language.

4344. To every Civil Servant who passes the test of qualification in two languages at or before the fifth general monthly examination after his arrival, there shall be awarded a donation of eight hundred Rupees. To every Civil Servant who passes the test in one language with "marked proficiency" within the same time, there shall be awarded a medal of Merit in that language, and if he passes also with "marked proficiency" in his second language at or before the eighth general monthly examination after his arrival, there shall be awarded to him a second medal of Merit in that language.—*Ibid, rule* 23.

Rewards for passing the examinations speedily

4345. Certificates of high proficiency and Medals of Merit shall be delivered to those entitled to them by the President at a full meeting of the Board. Degrees of honor will be conferred by the head of the Government in person.—*Ibid, rule* 24.

How certificate &c., to be delivered.

4346. When a Civil Servant has completed his course of study and has been attached to one or other Division of the Presidency for employment in the Public Service, he shall receive from the Secretary to the Board of Examiners a certificate, specifying the proficiency he may have acquired, the rewards adjudged to him, and the general tenor of his conduct while engaged in his studies.—*Ibid, rule* 25.

Civil Servant when attached to a province to receive a certificate from the Secretary.

4347. No Civil Servant unattached shall reside out of Calcutta or its vicinity, including a circle with a radius of five miles from Government House without the permission of Government. Every instance in which this rule is transgressed shall be reported to the Government by the Secretary to the Board.—*Ibid, rule* 26.

Locality within which unattached Civil Servant is to reside.

4348. Any young Civil Servant who may be guilty of any irregular or indecorous conduct which may not appear to call for a report to Government, shall be admonished by the President. But serious instances of wilful disobedience, or of disorderly and unbecoming conduct, shall be reported for the information and orders of the Government.—*Ibid, rule* 27.

Irregular or indecorous conduct.

4349. Whenever it may appear to the Secretary or to any Member of the Board of Examiners that a young Civil Servant is likely from expensive habits, from idleness, or any improper indulgences, to incur debt or otherwise to disgrace himself and set an injurious example to others, a report shall be made to the President and the President after admonition, shall, if he think necessary, report the matter for the information of the Government.—*Ibid, rule* 28.

Secretary to report to president if Civil Servant incur debt, &c.

Report to Govt.

4350. The contracting of debt by the Civil Servants of Her Majesty is prohibited. Those who enter the public service under pecuniary embarrassment, implying the contraction of habits of prodigality, will be held to be disqualified for employment of trust and confidence so long as those habits and embarrassments continue.—*Ibid, rule* 29.

Contracting of debt prohibited.

4351. Every Junior Civil Servant shall supply himself at his own cost, with Grammars, Dictionary and Test books. A supply of the books in use will be generally kept on sale at cost price in the College Library.—*Ibid, rule* 30.

Supply of books

4352. The accounts of the office of the Secretary to the Board of Examiners will be kept, audited, and rendered in the same manner as those of the late, College of Fort William.—*Ibid, rule* 31.

Accounts of secretary's Office.

4353. Civil Servants who are not qualified for the public service but are permitted or ordered to reside in the interior will be placed under the authority and orders of the Commissioner of the Division or the Judge of the District in which they severally reside and are bound to obey all orders they receive from him. They are not permitted to quit the station and its vicinity without the sanction of the Government.—*Ibid, rule* 32.

Civil servants in the interior.

4354. The examination of unpassed Civil Servants in the interior will be conducted as at present by means of written papers prepared by the Board, and forwarded under seal by the Board's Secretary to the Chief Civil Authority of the station.—*Ibid, rule* 33.

Their examination.

4355. Civil Servants will receive, from the date of their arrival in the country, until they pass the test of qualification in one language, a salary of 250 Rupees a month, and so long as they remain

Salaries of unpassed and unat-

tached Civil Servants.

in Calcutta an allowance of 80 Rupees for house-rent. After passing the test in one language they will receive, until attached of the public service, a salary to 300 Rupees a month and while they remain in Calcutta, 80 Rupees as house-rent.—*Examintion Rules Oct.* 2, 1861, *rule* 34.

Native teachers to be allowed to Civil Servants at public expense.

4356. Native Teachers will be allowed to the young Civil Servants at the public expense. In Calcutta each Civil Servant will be at liberty to entertain a Moonshee or a Pundit according to the language he is studying, and every such Teacher will receive from the Secretary to the Board of examiners the authorized allowance, 30 Rupees a month on the production of a certificate duly attested by the student on whom he may have attended. An examination for admitting Moonshees and Pundits will be held by the Board from time to time and only such as gain testimonials of qualification to teach sh'll be eligible for employment by the students. A testimonial is to be given for each language in w' on examination, qualification is established, the test for such examination being the same as that laid down for a degree of honour including a fair knowledge of English. One Moonshee or Pundit will not be allowed to draw pay for more than three students in one month.—*Ibid, rule* 35.

Examination of Teachers.

Teachers in the Interior.

4357. In the interior the choice of the Moonshee or Pundit will be subject to the approval of the Chief Civil Authority and on the production of a like certificate the authorized allowance will be paid by the Collector of the District and debited in his accounts to the Secretary to the Board of Examiners.—*Ibid, rule* 36.

Medical certificate.

4358. No medical certificate furnished by an unpassed Civil Servant in proof of inability either to prosecute his studies or to attend Examination shall be held to be of any effect unless it distinctly states, from personal observation the nature of the illness in question as well as the symptoms by which it has been manifested, and the period during which it has existed and incapacitated the Civil Servant from study nor unless it is signed by a Presidency Surgeon, or in the case of a student studying at a station in the Interior by the Medical Officer of the station, and countersigned by the superintending Surgeon, nor unless it is transmitted to the Secretary to the Board of Examiners within one month from the period of sickness to which it refers.—*Ibid, rule* 37.

Deduction of period of sickness.

4359. Any unpassed Civil Servant who may be prevented by temporary indisposition, duly certified as above from attending any examination having failed to pass at which such Civil Servants would, under Section IX. of these rules be required to undergo a special examination on the expiring of a period equal to that which is covered by his medical certificate.—*Ibid, rule* 38.

SECTION III.

EXAMINATION OF ASSISTANT AND DEPUTY MAGISTRATES AND COLLECTORS.

Sends list of examination Books.

4360. I have the honor to acknowledge the receipt of your letter, No. 463, dated 27th September 1861, requesting that the Board would furnish a list of the Laws and Rules of Procedure which Officers should study in order that they may prepare themselves for examination according to the first and second standards and in reply I am directed to forward the accompanying list and to offer the following remarks.—*Letter of Secretary to Board of Examiners L. P. No.* 42, *March* 24*th*, 1862, *para.* 1.

This list is not complete or exhaustive.

4361. The Board does not profess to give a complete or exhaustive list of the Laws and Rules of Practice from which questions may be taken. It confines itself to giving the most important laws, both those of a substantive nature and those of procedure, a knowledge of which is absolutely necessary to enable an Examinee to pass successfully the different examinations.—*Ibid, para.* 2.

Revenue Regulations of 1793.

4362. The Board has entered in the accompanying list some of the old laws of 1793, which form the basis of the revenue system, convinced that a knowledge of the principles of that system will be acquired more easily by a study of those old Regulations than by merely learning by rote a mass of rules, applicable to the every day's work of a Collector's Office.—*Ibid, para.* 3.

4363. The Board has also added to the list "Norton on Evidence." A knowledge of the Law of Evidence is most necessary for young Officers who have daily to transact business in its nature Judicial, and it is a branch of law with which the Courts of original Jurisdiction in the Mofussil exhibit, speaking generally, a very imperfect acquaintance.—*Ibid, para.* 4. Law of evidence.

4364. The Board understand that the hand-book explanatory of the system of account in force in the Collector's Office is in course of preparation. It will be necessary to add this work on its publication to the subjoined* list. Hand Books of accounts in force in the Collectorate.

*Regulations of 1793, I., II., VIII., X., XIX., XXVII., XXXVII., XXXVIII., XLI, XLVIII, L.

†Act XI. of 1859.

*Regulation VIII. of 1819, regarding sales for arrears of Revenue, &c.

*Act VIII. of 1835.

*Act X. of 1859.

*Regulation VII. of 1822. } Resumption and settlement Laws.
*Regulation IX, of 1825. }
*Regulation II. of 1819. }

Act XVIII. of 1854. Railway Act.

*Regulation XIX. of 1814. } Butwara Law.
Act XX. of 1836. }
Act XI. of 1838. }

Act XXXII of 1860. Income Tax.

Act VI. of 1857 and Act II. of 1861. Law for taking land for public purposes.

*Act XXI. of 1856. Abkaree.

Act XIII. of 1857. Opium.

Regulation X. of 1819.

Regulation I. of 1824. Latter section.

Circulars and series of the Board of Revenue, Norton or Evidence, or any other work on that subject, and Act II. of 1855.

* † Act VI. of 1862, of the Lieutenant Governor of Bengal in Council.

* † Penal Code. Act XLV. of 1860.

* † Code of Criminal Procedure. Act XXV. of 1861.

*Regulation XX. of 1817. The unrepealed section.

*Act V. of 1861. New Police Code.

*Act III. 1857.

Act V. of 1860. Cattle Trespass Act.

*Act XX. of 1856, Chowkeedaree Assessment.

Act XXVI. of 1850. Municipal Act.

Regulation VI. of 1819. Law regarding Ferries.

Regulation XXXIII. of 1793. Embankment Laws.

Regulation VI. of 1806.

Regulation XI of 1829.

Act X. of 1862 Stamp Act.

Act XI. of 1862.

Act IX. of 1835, Act XXIX. of 1838, Act III. of 1851, and Act XIII. of 1849, salt Laws.

N. B.—Those laws marked with an asterisk should be particularly studied by Officers preparing for the First or Lower Standard Examination.—*Ibid, para.* 5.

RESOLUTION.—The Lieutenant Governor is pleased to direct that the above letter with its enclosure be furnished to all unpassed Assistants, and Deputy Magistrates and Deputy Collectors, for information and guidance, and to all such Officers who may hereafter be appointed to the service.

4365.* A list of the subjects in which candidates for the bar are required to be proficient is added. Subject in which candidates for the bar are required to be proficient.

The Reader on constitutional Law and Legal History will expect the candidates for honors to be well acquainted with the origin and progress of our laws and constitution as explained in chapter 8, part 3, of Hallam's History of the Middle Ages.

He will expect them to be well acquainted with the most important provisions of the great charter (on which they will find an excellent commentary in Sullivan's Lectures, 39, 40, 41, 42 and 43, pp. 343 to 381), with the chapters in Hallam's Constitutional History, which contain an account of the Reigns of Henery VIII. Elizabeth, the Stuarts, William III. and Anne, with the state trials of persons eminent in our history from the time of Mary to the accession of Anne; with the history of the law of treason, libel and of the tenure of land.

* This para. has been taken from the Indian Jurist of Sept. 13th, 1862.

He refers those candidates specially to May's History, the first volumes of Lord Clarendon's History, the 26th, 27th, 28th, and 29th chapters in the third volume of Lord Brougham's Political Philosophy, to the close of the 23rd chapter of Hum's History, vol, 3 p. 206, 8 vo. ed., the passage begining "thus have we pursued the History of England," &c., to the third volume of Millars History; to the Preface to Gilbert on Uses by Lord St. Leonards; the Preface to the State Trials; the 38rd chapter of the fourth volume of Blackstones Commentaries (edition in which the text is preserved); to the 6th chapter in the fourth volume of Kerr's Blackstone; chapters 1, 2, and 3, of Mr. Justice Foster's work on the Crown Law; to the second volume of Parliamentary History; to the State Trials, vol. 3 p. 826; vol. 8. p. 549; vol. 9, pp. 488, 817, and Vaughan's Reports, p. 135.

All candidates will be expected to know the principal events in English History from the conquest to the Accession of George III; to have an accurate knowledge of the Reigns of the Stuart Kings, of Magna Charta; the Petition of Right; the Bill of Rights; the Law of Treason; and the Act of settlement.

The reader on Equity proposes to examine in the following Books:

Hayne's outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunters Elementary View of the proceedings in a suit in Equity, part 1.

The cases and notes contained in the first volume of White and Tudors leading cases, and the following cases in the second volume.

Howe v. the Earl of Dartmouth; Peachy v. the Duke of Somerset, and Gloman v. Walter, with the notes on those cases; the Act to further amend the law of property and to relieve trustees, 22 and 23 vic. c. 35; the Act to further amend the law of property, 23 and 24 vic. c. 38 ss. 10, 11, and 12; the general orders of the Court of Chancery of the 1st February 1861 and of the 5th February 1861 (7th Jur n. s. part 2, p. 58); Mitford on the pleadings in the Court of Chancery; Introduction c. 1. ss. 1, 2.

The Reader on the Law of Real Property proposes to examine in the following books and subjects.

Joshua Williams on the law of Real Property 5th ed.

The Wills Acts, I vic. c. 26. and 15 and 16 vic. c. 24, and the Notes to those Acts, in Jarman's Concise Forms of Wills, 5th ed.

The Act 8 and 9, vic. c. 106 and the notes to that Act in shelford's Real Property statutes 6th ed.

Uses and Trusts: Chudleighs and Tyrrell's cases in Tudor's leading cases in Convoyancing pp. 200-276.

On Notice, as between Vender and Purchaser sugdens Vender and Purchasers; Darts Venders and Purchasers.

The Reader on Jurisprudence and the Civil Law proposes to examine in the following books and subjects:—

The second and third books of the Institutes of Justinian with Notes of Sandar's edition, or the observations in Cumin's MANUAL.

The Roman Law of obligation (excluding the obligations arising from Delict) as set forth in Warnkoning's Institutions Juris Romani Private, book c. c. 1-5.

Wheaton's International Law, "Rights of War as to Neutrals," part 4 c. 3.

Candidates for a certificate will be examined in.

The second and third books of the Institutes of Justinian with the Notes in Sander's edition or the observations in Cumin's Manual.

Wheaton's International Law, "Rights of War as to Neutrals," part 4 c. 3.

The Reader on Common Law proposes to examine in the following books and subjects, :—

The proceedings in an action and in connection therewith, Sects. 1-40 of the Common Law Procedure Act 1852.

The nature of simple contracts, written contracts, and the statute of Frauds.

Stephen's Commentaries, 4th edition, book 5th "of Civil Injuries," cc. 1 and 7—9 inclusive.

The Elements of Criminal Law as set forth in Broom's Commentaries, 2nd edition, book 4.

The principal Rules of Pleading.

Smith's Comp. Mer c. Law 6th edition, book I, so far as regards "Partnerships," "Corporations and "Principal and Agent."

The following cases :—

(a) Law of Contracts, Lamplaigh v. Brothwait (1 Smiths, L. C. 118, 4th edition), Blakes cases (6 Rep. 43) Emmens v. Elderton (4 H. L. C. 624) ; and Comfort v. Fowke (6 M. and W· 358).

(b) Law of Torts. Coggs v. Bernard (1 Smiths L. C. 147, 4th edition): Armary v. Delamirie (1 ed. 256.) and Mostyn v. Fabrigas (ed. 528)

(c) Criminal Law Mackalley's case (9 Rep. 61) Reg. v. Bryan (vears and B 265), Reg. v. Thurborn (1 Den. cc. 387) ; and 20 and 21 vic. c. 54 (The Fraudulent Trustees Act.)

Yearly Examination of assistants, and Deputies in the N. W P.

4366. A yearly Examination of assistants liable under these rules, to examination, shall be held in each Division in the months of March or April of each year. The Examination shall be held at the station which is the Head-quarters of the Commissioner of the Division, or, subject to the permission of Government, at any other station in the Division, which that Officer on each occasion may appoint.—*Examination Rules W. P. Aug.* 22, 1862, *rule* 1.

Two qualifying standards

4367. At these yearly Examinations there shall be two standards of qualification, according to one or other of which, the assistant shall be examined. An assistant must be examined and found qualified according to the first standard, before he will be vested by Government with the power of a Deputy Collector to dispose of suits under Act X. of 1859, or with the power of a subordinate Magistrate of the 1st. Class under the Court of Criminal Procedure. An assistant, who has been found at some previous examination qualified according to the First Standard must be found qualified according to the second standard before he will be considered by Government capable of holding the full powers of a Magistrate or the full powers of a Deputy Collector.—*Ibid, rule* 2.

When and how would Assistants be vested with special and full powers.

4368. An assistant, who has passed according to the first standard of examination, and who has been six months at a station as an assistant, will usually be vested with the powers of a Subordinate Magistrate of the 1st Class, when recommended for such powers in the usual manner. But an assistant, though passed according to the second standard, will not be vested with the full powers of a Magistrate, until he shall have been at least one year exercising the powers of a subordinate Magistrate of the 1st. Class.—*Ibid, rule* 3.

Assistants with full powers must pass.

4369. The Government will promote to a Joint Magistracy and Deputy Collectorate of the second grade, no assistant, of those who have been already vested with the powers of a Magistrate, who shall not have been examined under these Rules, and found qualified according to the second standard. All assistants will be promoted under ordinary circumstances in the order of their passing the examination now prescribed according to the second standard of qualification.—*Ibid, rule* 4.

What Assistants are to be examined.

4370. All assistants who have not passed according to the first standard of qualification fixed by the present Rules and who have been more than six months at their stations as assistants shall be subjected to yearly Examination ; and all assistants who have passed according to that Standard ; but have not passed according to the second Standard, and who have been more than two years at their stations as Assistants, shall be subjected to yearly examination. All other assistants, who have not passed according to the second standard of qualification, may be examined at any yearly examination, with the special permission of the commissioner of their Division previously obtained. Assistants examined under these rules will draw the usual travelling allowance to and from their respective stations.—*Ibid, rule* 5.

Central Examination Committee.

4371. The Government will constitute a committee to be called a Central Examination Committee, by whose instructions, the Commissioners shall be guided, and with whom they shall correspond on all matters connected with those yearly Examinations. The Central Examination Committee will consist of one Judge of the Sudder Court, who shall be president thereof, and one Member of the Board of Revenue, both nominated by Government, also the Register of the Sudder Court, the Secretary to the Board of Revenue, and such other members as the Government, from time to time, may appoint. A Secretary to the committee will be nominated by Government.—*Ibid, rule* 6.

Duty of the Central Examination Committee.

4372. It shall be the duty of the Central Examination Committee to fix, on every occasion, the yearly Examination days, which shall be the same for every Division, but, subject to the direction of the Government, the station at which the Examination is to be held, shall be left to the determination of the Commissioner. It shall be the duty of the same Committee to prepare before hand, for each examination, sets of questions to be put to the Assistants under examination, a sufficient number of copies of each of which sets, shall be forwarded to each Commissioner in a sealed packet, not to be opened until the moment of examination. The Central Examination Committee, from time to time, shall lay down such Rules as may appear to them best for the guidance of the Divisional Committees, in order to ensure a fair and uniform method of fixing the degree of attainment from each point of examination, which the several Assistants examined may reach.—*Examination Rules W. P. Aug.* 22, 1862, *rule* 7.

Divisional Examination Committees.

4373. At the station in each Division, where the examination is to be held, the Commissioner of the Division shall constitute on each occasion a committee, consisting of Public Officers, to be called the Divisional Examination Committee, where of he shall be President, and the Judge and the Magistrate and Collector of the District, if not absent on leave, shall be Members.—*Ibid, rule* 8.

Duty of the Divisional Examination Committees and reports of the Examinations.

4374. The examinations shall be conducted by the Divisional Examination Committees, who, after due deliberation in respect of each assistant examined will record the result, stating their opinion, as to whether the standard of qualification has been attained or not, which result, in case of difference of opinion, will be determined by a majority, and shall deliver the record to the Commissioner. The Commissioner shall transmit the record to the Central Examination Committee with his own Report, wherein he shall state his agreement or disagreement with the Divisional Committee in each case. The Commissioner will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the Assistants, and the other papers written by them, either in the Vernaculars or in English, shall be forwarded with the record. The Central Examination Committee, after taking all the reports into consideration, and perusing any of the examination papers that it may seem to them proper to peruse, shall report to Government the names of such Assistants as, in their opinion, have proved their qualifications according to one or other of the Standards in force, noticing especially in the order of their merit, any Assistants who, with reference to the length of their residence in India, may have passed with great distinction.—*Ibid, rule* 9.

Principal object of the first standard.

4375. The principal object of the First Standard of Examination, shall be to test the proficiency for practical purposes, of the Assistant in the Vernacular language of his District, used in the conduct of the official duties of a Magistrate and Collector, *viz.*, the Cordoo. For this purpose, at least three papers, which he has never seen before, taken from official records, very much at hazard, and written by different persons, in a plain-running hand, must be read alone by the Assistant correctly, and without great difficulty, and after being read aloud, their contents must be correctly explained by him in English. An English judgment or other official paper to be furnished by the Central Committee, must be translated by him into the Vernacular without assistance. The translation must be substantially correct in meaning, and intelligible to a native, tolerably correct in Grammar and Spelling, and free from any very bad errors of idiom. He must dictate off hand, with some fluency, the translation into the Vernacular of an English report, or other official paper, also to be furnished by the Central Committee, where of the translation will be written down exactly as dictated. The dictated paper must, in like manner, be inteligible and substantially correct. He must then be tested in conversation with two or three natives, in such manner and to such extent, as shall suffice to satisfy the committee as to the degree of his power of understanding natives of different classes, and of making himself understood by them both in common conversation, and in the usual course of Cutcherry business. A practical knowledge of the Hindee character, as commonly written by Putwarees, must also be required. For this purpose, the Annual Accounts of two or three villages shall be selected by the Collector, and the Assistant will be expected to decipher, with fair correctness and ease, half a dozen lines taken at random from any of the seven prescribed Yearly Statements, and to write down a translation of them in English. An Assistant must pass successfully through every step of this branch of the examination, in order to qualify according to the First Standard. —*Ibid, rule* 10.

4376. The next object of the First Standard of Qualification, shall be to test the Assistant's general acquaintance with the leading principles of the systems of Revenue administration and Criminal Justice, and especially with so much of the Laws and Rules of procedure, as it is necessary for an Officer to know; in order to exercise properly the higher powers of an Assistant, as above described, in both departments. For this purpose, a Revenue and Judicial set of questions shall be furnished by the Central Committee. These questions should be so framed as not to involve points of difficulty or rare occurrence, and to show rather the possession or the want of a general and intelligent acquaintance with the subject of examination and the fundamental laws applicable thereto, than of a knowledge of a string of points of detail, and dates of orders, which may be soon learned for the occasion, and are generally as soon forgotten again: these questions must be all answered without books.—*Ibid, rule* 11. Second object of the first standard.

4377. The next object of the First Standard of Examination, shall be to test the power, which the Assistant may have acquired to deal with conflicting arguments, and evidence in actual cases. For this purpose, two decided cases with the final proceeding in each withdrawn, which the Assistant has never before seen, one from the Collector's and one from the Magistrate's Office, of the nature of cases made over to Assistants exercising the higher powers above described, shall be given to the Assistant. The papers may be read over to him by a native Officer, and the explanation of any difficult word or phrase may be asked for, and given in the Vernacular, the circumstances being on each occasion noted. The Assistant may refer to his books, and take his notes as he would do, were he actually deciding the case in the Public Office. At the conclusion of each case, he must write in English a brief but precise description of the case, and a decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is founded—*Examination Rules W. P. Aug.* 22, 1862, *rule* 12. Third object of the first standard.

4378. The last object of the First Standard of Examination, shall be to ascertain how the Assistant has been employed, and how he has done his duty at his Station. For this purpose, the Collector and the Magistrate, under whom he has been employed, shall furnish the committee with a report upon these points. It shall be the duty of such Officers, who may have an Assistant without special powers under them, to make over to him frequently cases for report, which are beyond his competency to decide. The Reports shall be written in English on one side of a sheet of paper, and after the case is decided, the Officer who decides it, shall note on the other side of the sheet his remark upon the Report. These Reports, with the notes thereon, shall be submitted to the Divisional Examination Committee. Such Officers shall also require their Assistants to make English minutes of the cases given to them for decision, which minutes also shall be submitted to the same committee. But these Reports and minutes need not be sent up to the Central Examination Committee. The opinion formed of them by the Divisional committee, however, shall be entered in the record submitted to the Central Committee.—*Ibid, rule* 13. Fourth object of the first standard.

4379. The second Standard of Examination shall be similar in its nature to the First, but more difficult in degree. In the portion of it which consist of an Examination in the Oordoo language, the reading of common Office running hand must be tolerably ready; the paper selected as tests, should be of a more difficult description of office papers; the Translation, Dictation, and Conversational ...d be fluent, generally correct, and readily intelligible; and the Assistant should be tested in his power of explaining himself clearly, and with sufficient propriety in an argument or topic of some difficulty, such as may occur in official business. In the Hindee Reading and Translation, a considerably greater facility and accuracy will be expected, than in the test for the First Standard, in that language. The questions of Law and Practice will be the same for both Standards of examination; and the degree of proficiency with which they are answered, will determine the Standard by which the Examinee shall be declared to have passed. No books of any description are to be allowed in answering these questions, in the preparation of which, nice and difficult points shall be avoided, the object being not to evoke subtlety or ingenuity, but only to ascertain whether the acquisitions and capacity of the person examined are adequate to enable him to perform fitly the important functions of an Indian Magistrate and Collector, or not. The trial cases for the Senior Standard should be selected from those possessing enough of complexity to test the Assistant's ability to master all ordinary difficulties, and specially to test his power of minute attention to, and just appreciation of evidence.—*Ibid, rule* 14. Second standard.

Object of the second standard.

4380. It shall be the object to make this second Standard such, that a man who has passed a College examination, being of ordinary understanding and capability, who fairly applies himself with proper diligence to his business, and makes it his daily object to familiarize himself with the languages of the country, may pass it after two or three years of Mofussil experience.—*Ibid, rule* 15.

Above rules applicable to certain other Officers.

4381. The above rules are to be considered applicable to Military Officers in Civil employ, and to Uncovenanted Officers in the Judicial and Revenue Departments.—*Ibid, rule* 16.

Cantonment Joint Magistrates.

4382. Cantonment Joint Magistrates will be required to pass by the Higher Standard in the Judicial Department as well as in the Revenue Department, in matters relating to Abkaree only.—*Ibid, rule* 17.

Officers of Police to be Examined on Police subjects.

4383. Officers of Police will be subject to Examination in the Laws relating to the Police Department, and the rules which may be from time to time, issued, either by the Government, or by the Inspector General of Police, for their guidance.—*Ibid, rule* 18.

4384. Military Officers in Civil employ, even though they may have passed the Interpreter's Examination are not exempted from the vernacular tests described in the above rules.—*Ibid, rule* 19.

Officers cannot pass their examinations by halves.

4385. No Officers in future will be allowed, except under special circumstances which are to be specially reported through the Central Committee for the orders of Government, to present himself for examination in the Judicial or Revenue subjects separately.—*Ibid, rule* 20.

Packets of questions when to be opened.

4386. The sealed packets of Examination papers which are forwarded by the Secretary of the Central Examination Committee, to the Commissioners and Presidents of the Divisional Committees, are not to be opened till the moment of Examination.—*Rules by Central Committee Aug.* 22, 1862, *rule* 1.

Silence to be maintained.

4387. A perfectly strict silence must invariably be maintained in the Examination room, during the course of examination.—*Ibid, rule* 2.

Vernacular paper how to be selected.

4388. The three papers for the test of reading running hand in the Vernacular language, referred to in Rule X., will be selected by the Commissioner from the Office of the Magistrate and Collector.—*Ibid, rule* 3.

Examinees to be called upon separately to read them.

4389. Each examinee will be called upon separately, and so as to prevent communication with others, to undergo the examination specified in reading and explaining the above vernacular papers, and also for conversation and dictation.—*Ibid, rule* 4.

Translation how to be made.

4390. The translation to be written by the candidates themselves may be made at the same time by the Examinees assembled in one room, but so as that they shall not aid each other. It is hoped that this part of the examination may be finished in one day.—*Ibid, rule* 5.

Two sets of questions to be given on different dates.

4391. The sets of questions, Revenue and Judicial, referred to in the Rules XI. and XIV., are to be given to the examinees on different days. The replies are to be given in writing, the questions being written by the candidates as well as the answers for which purpose a space of half, or at least quarter margin will be reserved.—*Ibid, rule* 6.

Papers with standard answers to remain in examiners' hands.

4392. The papers containing Standard answers are to remain in the Examiners' hands, those containing questions only being distributed to the Examinees. To each question the central committee will assign a number printed or written at the foot of it, as the value of a full and complete reply to the question. Should the candidate gain a less number, he will get credit accordingly.—*Ibid, rule* 7.

No qualifying for higher standard.

4393. On the aggregate of 160 marks, each examinee who gains 100 marks shall be considered to have passed on that subject by the Higher Standard.

Do. lower standard

4394. Candidates who may fail to gain 100 marks, but succeed in obtaining a number not less than 75 will be considered as having passed in the particular subject, by the Lower Standard.

4395. The obtaining of less than 75 marks will subject the candidate to rejection.—*Ibid, rule* 10.

Cases for decision.

4396. The two decided cases, which ought not to be of special difficulty, referred to in rule XII. are to be selected by the Commissioner. The examinees will be assembled together for the purpose of having them read out by a Native Officer. Each candidate will make his own notes during the reading, and then proceed to record his judgment as indicated in the rule. This may be done on a separate day.—*Ibid, rule* II.

4397. In the vernacular and other minor tests the number 10 will be assigned as the full value in each subject ; and half of that number is the minimum qualification for passing.—*Ibid, rule* 12. No. in vernacular

4398. The Divisional Committee will carefully attend to the directions contained in Rule X.—*Ibid, rule* 13.

4399. The same course of procedure as above indicated for examinees by the first Standard, in regard to the vernacular and minor subjects of Examination, will be followed for those of the second Standard.—*Ibid, rule* 14.

4400. "Decided cases" will be read to this class of candidates in the mode prescribed in paragraph 8 ; and in all other respects, their mode of examination will correspond with that for the "First Standard,' except that it is to be more difficult in degree, but still such as an Officer of the general standing of those to be subjected to this examination may be reasonably expected to pass.—*Ibid, rule.* 15. Cases for decision to persons passing for the higher standard.

4401. The records of the decided cases referred to in Rules XII. and XIV. need not be submitted to the Central Committee, but the Divisional Committee will record their opinion as to the value of the decision pronounced by each examinee.—*Ibid, rule* 16. Record of decided cases not to be sent up.

4402. In Abkaree, the standard number of marks has been fixed at 100, and the minimum necessary for passing, at 65.—*Ibid, rule* 17. No. in Abkaree.

4403. The Divisional Committee will classify the examinees who have passed, in the order of merit, mentioning the names of any whom they may consider to have passed with great distinction. —*Ibid, rule* 18. Passed examinee to be classified.

4404. The number of marks obtained by the candidates in each subject will be tabulated by the Divisional Committee in such manner as may be prescribed by the Central Committee from time to time.—*Ibid, rule* 19. No. of marks obtained by candidates to be tabulated.

4405. The Commissioner of the Division, who is under Rule IX. both President and Member of the Divisional Committee, will in the latter capacity give his opinion in respect of each Officer examined. He will then, on receipt of the record from the Committee, transmit it, in his capacity of Commissioner, with his own report, stating his agreement or disagreement with the Divisional Committee in each case.—*Ibid, rule* 20. Opinion of Commissioner of Division.

SECTION IV.

COVENANTED CIVIL SERVANT'S SERVICE RULES AND RULES FOR LEAVE OF ABSENCE AND ALLOWANCES.

4406. Civil Servants on the Bengal Establishment shall as a service, be under the direct orders and control of the Governor General of India in Council, and all orders affecting them as members of a service, as distinguished from orders incidental to their employment under any Local Government, shall emanate from the Government of India.—*Order of Govt. of India, July* 27, 1855, *and Civil Pay Master's Manual W. P. para.* 48. Bengal Civil Service to be under direct control of Governor General in Council.

4407. The arrival of newly appointed Civil Servant shall be reported to, and notified by, the Government of India in the Home Department.—*Ibid, and Ibid* 49. New arrivals to be reported to Government of India.

4408. The services of Civil Servants shall be attached as required, to the several Provinces by the Government of India in the Home Department.—*Ibid, and Ibid* 50.

4409. Civil Servants on the Bengal Establishment, before they are reported qualified for the Public Service, and whenever at any time they are not placed under the orders of any of the Lieutenant-Governors, or of any of the Officers in charge of the Provinces immediately under the administration of the Government of India shall be under the direct control and superintendence of the Governor General in Council.—*Ibid, and Ibid,* 51. Control of Civil Servants before they are qualified for public service.

Ditto when they prosecute their studies in the interior.

4410. Whenever an unpassed Civil Servant is permitted or required to prosecute his studies under a Civil authority at a station in the interior, he will be placed temporarily under the orders of the Government or other controlling authority of that Division of the Presidency in which the station to which he may be sent in is situated.—*Order of Govt. India July* 27, 1855, *and C. P. M. para.* 52.

Rank of new Civil Servants.

4411. The rank of Civil Servants of each season to be computed in future, in the three Presidencies, from the date of arrival in India of the first Civil Servant of that season.—*Ibid, Oct.* 2, 1860, *and Ibid*, 53.

Civilian Commissioners in Punjab and Oudh entitled to similar and superior posts in N. W. P.

4412. All Officers of the rank of Commissioner in the Punjab and Oudh being Civilians, to be considered equally eligible with their brethren in the North Western Provinces to Commissioner-ships and other superior appointments in the latter from and after this date.—*Res. Govt. of India Oct.* 21, 1856, *and Ibid*, 54.

Certain Civilians in Punjab and Oudh eligible to the Office of Magistrate and Collector in N. W. P.

4413. Civil Servants attached to the Punjab and Oudh, as soon as they have attained to the rank of Deputy Commissioner, or to any other Office yielding a salary of not less than Rs. 1,000 per mensem, will be eligible for appointment to the Office of Collector and Magistrate in the North-Western Provinces, and to promotion taken into consideration by the Lieutenant Governor North Western Provinces, in common with those of their contemporaries serving within His Honor's Jurisdiction.—*Ibid, and Ibid*, 55.

Rules for giving effect to above measures.

4414. In order to give full effect to the measure provided in the two foregoing articles, the following rules are laid down:—

1st. That Civilians from the North-Western Provinces only, be selected for service in the Punjab or Oudh.

2nd. That, in posting Civilians, the requirements of the Punjab and Oudh be taken into account by the Home Department and the men be Gazetted to the North-Western Provinces, the Punjab, and Oudh.

3rd. That in each of the grades of Deputy Commissioner and of Assistant Commissioner, there will be, as nearly as practicable, an equal number of Civilians and of Military or Uncovenanted Officers; and that coming vacancies be so filled up as gradually to bring about this proportion.

4th. That whenever a Civilian attached to the Punjab or Oudh Commission is promoted to the Office of Magistrate and Collector in the North-Western Provinces a Civilian be selected by the Government of India from the North Western Provinces and posted to either Commission, either as an Assistant Commissioner, or as a Deputy Commissioner of any grade, as the Government may think fit; such vacancies will be considered exceptional, and the consequent arrangements discretionary with the Government.—*Ibid, and Ibid, para.* 56.

GENERAL RULE FOR LEAVE OF ABSENCE.

Leave can be granted by local Government alone.

4415. No leave of absence from any office or station can be granted, but by the Government under which the employment is held, and on the application of the party requiring such leave, saving in such cases as may hereafter be specially excepted.—*Covenanted Absentee rules June* 8, 1855, *chap.* 1, *sec.* 1, *and Civil Pay Master's Manual W. P. para.* 69.

Application for leave how to be made.

4416. The application must be made publicly through the regular channel in the department to which the applicant may belong and the particular section under which the indulgence is solicited should be stated, but an officer is not permitted to revise application at a subsequent period.—*Ibid and Ibid, para.* 70.

Absence without leave involves forfeiture of allowances.

4417. The official allowances of a holder of a Civil Office quitting his station without leave will entirely cease from the date of his quitting until his return or, in the event of his subsequently obtaining leave, to the date of such leave being granted to him.—*Ibid, sec.* 2, *and Ibid* 71.

4418. The foregoing rule is held applicable to all unauthorized absense whether antecedent to the grant of leave or subsequent to its termination.—*Govt Order Feb.* 15, 1843 *and Ibid* 73.

Leave not to be retrospective except in certain cases.

4419. No leave of absence shall have any retrospective effect, except in case of severe illness, to be attested by medical certificate, conforming in every respect to the directions contained in section V.—*Cov. Ab. rules chap.* 1, *sec.* 3, *and Ibid*, 72.

How leave is to be reckoned.

4420. The reckoning of leave of absence is made from the date of relinquishing charge of office, without reference to the specification of commencement of leave in the Government Orders.—*Civil Pay Master's Manual W. P. para.* 74.

4421. An Officer leaving the limits of his jurisdiction is to report the circumstance to the Civil Pay Master.—*Ibid*, 75.

Enforcement of Absentee Rules in dispensable to Local Governments.

4422. The enforcement of the Civil Absentee Regulations is a measure in which the Local Government possess no discretion ; when the penalties are incurred, officers can be released only by the Supreme Government.—*Order of Govt. of India Feby.* 18, 1844, *and Ibid*, 76.

4423. An Officer proceeding on leave from an officiating appointment, resumes that charge on his return, unless the contrary be ordered during the period of absence.—*Ibid, Nov.* 27, 1849, *and Ibid*, 77.

4424. Officers are to return to their Stations on the termination of leave, whether that date falls on Sunday or otherwise.—*Ibid, Nov.* 26, 1849, *and Ibid*, 78.

Leave applications to be reported by C. P. M.

4425. All applications for leave of absence are subjected to report by the Civil Pay Master, before the issue of the orders of Government.—*Ibid, Aug.* 26, 1853, *and Ibid*, 79.

When leave can be availed of.

4426. Leave of absence whether on medical certificate or on private affairs granted without specification of the date of its commencement, may be taken from any date within one month after the date of the Government order, otherwise a fresh application will be necessary.—*Govt. Ord. Nov.* 26, 1853, *W. P. Dec.* 24, 1853, *L. P, and Ibid*, 80.

Officer under suspension cannot leave his Presidency without permission of his Government.

4427. An Officer under suspension cannot leave the limits of his Presidency without the permission of his Government, and this obtained he will not be subject to any deduction from his subsistence allowance. If the permission be granted without a medical certificate his absence will not come under the absentee rules, nor deprive him of subsequent leave, if necessary, under medical certificate.—*Order of Govt. of India June* 16, 1854 *and Ibid* 81.

Resignation while on leave in England.

4428. The Secretary of State for India will not accept a resignation from any Civil Servant whilst on leave in Europe, without ascertaining that there are no demands against him.—*Ibid, Nov.* 14, 1855, *and July* 11, 1856, *Ibid*, 82.

4429. Application must be made to the Secretary of State for India, for permission either to return to duty or (if health be not restored) to remain in England a longer period, at least three months before the date of the expiration of the leave.—*Ibid, June* 7, 1856, *and Ibid*, 83.

Civil Servants to send certain papers to Secy. of State on arrival in England.

4430. Every Civil Servant immediately on his arrival in England to forward to the Office of Secretary of State for India, a copy of the Government letter granting him leave to Europe and also a certificate shewing the date of sailing of the vessel on which he embarked.—*Ibid, Jany.* 5, 1857, *and May* 4, 1860, *and Ibid*, 84.

Return of certain Civil Servants from leave by whom to be gazetted.

4431. The arrival of all Civil Servants attached to the N. W. P. who report their return to the Secretary to Government, Home Department Fort William, will in future be Gazetted from his office whether their absence has been on sick or any other leave, and whether granted by the Government of India or by the Government N. W. P.—*Ibid, March* 13, 1857, *and Ibid*, 85.

Civil Servants in N. W. P. going to Europe on leave to whom to report.

4432. Civil Servants applying for and obtaining leave of absence from the Government N. W. P. are required to report their departure on leave to Europe to the Secretary to Government of India, Home Department, as well as to the Secretary to Government N. W. P.—*Ibid, July* 28, 1858, *and Ibid*, 86.

Civil Servants going to England on leave to be furnished with certain documents.

4433. In all cases of leave of absence to Europe granted to covenanted Civil Servants, they are to be furnished with a certificate, showing the period for which leave has been granted, the amount of their salaries, the proportion thereof to which they are entitled under the regulations, during absence, and whether it is to be drawn in India, or otherwise. They are to report their arrival in England and to transmit the prescribed certificate.—*Ibid, Aug.* 7, 1857, *and Ibid*, 87.

Before sanctioning leave Government to have reports of Account-

4434. The several Governments, before sanctioning applications for leave, are required to have* before them reports from the accountants of the Governments, under which they serve, stating whether, accord-

* In some cases it may be convenient if the reports are submitted with the applications : in others they may best be called for by the Government on receipt of the applications.

ants whether it would be necessary to take security from Absentees.

ing to the information before them there is reason to require security, as a special case, because of any doubtful items outstanding against the applicant, or because of any thing suspicious or extraordinary in the state of the applicant's accounts. The reporting officers must not delay their reports, in ordinary cases, by references to Local Officers, it being understood that with a proper system of despatch and vigilance on their part, they ought in all ordinary cases, to have the means of judging in their own offices. On the receipt of these reports, the several Governments will determine the course to be taken. This rule will be applicable to all applications for leave beyond sea whether to Europe or elsewhere, and will be held to supersede all existing rules, regarding certificates of no demand.—*Order of Govt. of India July* 14, 1858. *and C. P. M. W. P. para.* 88.

Sick Absentee allowance to Civilians of above ten years standing.

4435. When an officer of above ten years standing (whatever may be his position) leaves India for Europe, on medical certificate, he is clearly entitled, as ruled by the Secretary of State to sick absentee allowance at the rate of £ 500 per annum, from the date on which he may quit the Port of embarkation, under clauses 3 and 6 Section VI. of the Civil Absentee rules.—*Ibid, March* 10, 1860, *and Ibid*, 89.

Application for cancellation of slave not necessary.

4436. Applications, for the cancellation of unexpired portions of leave and of leave that the applicant has not availed himself of, are not necessary. In future it will be sufficient to report the return of Officers to duty, noting thereon what portion of their leave remains unexpired.—*Govt. Order W. P. April* 14, 1860, *and Ibid*, 90.

Local Government can give leave to Officers in the Account Department in urgent cases only.

4437. In a case of urgent necessity, the Local Government may grant leave to an Officer of the Account Department, but as a rule no Department, or Government, should give leave except the one under which the Officer is serving, as none other can possibly know how his absence will affect the service.—*Order of Govt. of India, June* 6, 1860, *and Ibid*, 91.

RULES FOR LEAVE ON MEDICAL CERTIFICATE IN INDIA, IN EUROPE OR ELSEWHERE.

Leave on medical certificate.

4438. Upon application duly made, the Government may grant leave on medical certificate to any Civil Servant, to any place in India, in Europe, or elsewhere, as he may consider most conducive to the restoration of his health, without any restrictions whatever as to the places, to which he may resort.—*Cov. Ab. rules chap. 11., sec.* 4, *and C. P. M. W. P. para.* 92.

4439. Officers, applying for and obtaining leave of absence under medical certificate, cannot on further application have their cases treated with reference to indulgence leave.—*Order of Govt. India Aug.* 2, 1849, *and Ibid*, 93.

Application for sick leave to be accompanied by a medical certificate and statement of the case.

4440. An application for leave of absence on the ground of ill health, must be accompanied by a certificate and a statement of the case from the medical Officer by whom attended, with full particulars of the nature, symptoms and period during which the disease has existed, as also the necessity for temporary removal to some other place.—*Cov. Ab. rules sec.* 5, *and Ibid*, 94.

By whom the certificate is to be countersigned.

4441. If in India, the certificate must, in the first instance, be countersigned by the Deputy Inspector General of Hospitals of the Division, and afterwards submitted with the statement of the case for the consideration and countersignature of the principal Inspector General Medical Department.—*Ibid, and Order of Govt. India June* 23, 1860, *and Ibid*, 95.

4442. If in Europe, or elsewhere, and the applicant visits the Presidency, the certificate must be countersigned by the Principal Inspector General Medical Department, should he be satisfied that the leave applied for is absolutely necessary towards his recovery.—*Cov. Ab. rules, sec.* 5, *and Ibid*, 96.

Form of Medical certificate.

4443. The following is the form of medical certificate. I. A. B. Surgeon at or of do hereby certify that E. F. of the Civil Service, is in a bad state of health, and I solemnly and sincerely declare that according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea (or to such place as the Surgeon may think proper expressing it in the certificate.)—*Ibid, and Ibid*, 27.

Form of countersignature.

4444. The following form is to be observed by the Principal Inspector General Medical Department, or the Deputy Inspector General of Hopitals in countersigning Surgeon's certificate. I do

hereby certify, that, according to the best of my professional judgment after careful personal examination of his case, I consider the state of health of E. F. to be such as to render leave of absence for a period of absolutely necessary (or highly desirable) for his recovery.—*Ibid, and Ibid*, 98.

4445. An Application for extension of leave must, if the applicant be in India, be accompanied by a certificate to a like effect from the Medical Officer by whom the applicant is attended, together with a statement shewing sufficient reason for the extension solicited, and such certificate must be countersigned by the Principal Inspector General Medical Department, or the Deputy Inspector General of Hospitals of the Division in which the applicant may be located as the case may be, inperusal of the statement.—*Cov. Ab. rules sec.* 5, *and Ibid*, 99.

Application for extension of sick leave to be accompanied by a medical certificate, &c.

4446. In like manner, if the applicant shall have proceeded beyond the Territories under Her Majesty's Indian Government, he must furnish a certificate and statement to the required effect from a Surgeon or Physician at the place of his temporary residence, by whom he has been attended, such attendance, and the period of it to be stated, and the certificate to be countersigned by the examining Physician of the Office of Secretary of State for India if the applicant is in England, or if not in England, by the Principal Medical Authority of the colony or country to which the absentee may have proceeded, or some sufficient reason stated for the want of such countersignature if the certificate be not so countersigned.—*Ibid, and Ibid*, 100.

Certificate &c. if the absentee be out of India.

4447. The Principal Inspector General Medical Department, or the Deputy Inspector General of Hospitals, before countersigning a certificate as above mentioned, must either personally examine the applicant, or state some sufficient reason why they, or he, have or hath been unable to do so.—*Ibid, and Ibid*, 101.

Personal examination of applicant.

4448. When any of the required particulars are neglected, leave will be refused.—*Ibid, and Ibid*, 102.

4449. The total period of absence with the privileges hereinafter provided, shall not (save as specially excepted in clause 5 of this Section and in Section 7 of these Rules) exceed eighteen months in the whole, nor shall it exceed fifteen months on any one occasion.—*Cov. Ab. rules, sec.* 6, *cl.* 1. *& Ibid*, 103.

Maximum period of sick leave with certain exception.

4450. A Civil Servant who has had leave under the old rules to the extent of four years (the full period allowed to count as service under the new Rules) may nevertheless take one additional sick leave under the provisions of Section 6 of the new Rules, *viz.*, for 15 months with the privilege of retaining Office and of counting the leave as "Service," provided that three years shall have expired from the date of return from his previous leave of absence.—*Order of Govt. India, March* 10, 1856 *and Ibid*, 104.

One who has had taken 4 years leave under old rules can take sick leave under new rules.

4451. An Officer after three months leave on sick certificate cannot obtain further leave for 15 months, to proceed to Europe which must be restricted to 12 months, as it does not follow that a Civil Servant, whose ill health might require an extension after 3 months leave, would require further leave after 15 months.—*Ibid, Sept.* 7, 1859 *and Ibid*, 105.

4452. Civil Servants proceeding to Europe under medical certificate retaining their appointments, do not furnish security on account of unadjusted demands, unless specially required (vide 4434.)—*Ibid, Nov.* 14, 1855, *and July* 11, 1856, *and Ibid*, 106.

4453. The Office of the absentee will be considered to be vacated if he shall be absent beyond 18 months altogether, or beyond 15 months at any one time, unless he shall obtain leave under clause 5 of this Section (4463,) such absence to be computed, if he shall proceed to a Sanatarium within the Presidency, from the date of his arrival thereat to the date of his quitting the Sanatarium. If he shall proceed to any place beyond the Presidency, but within the Continent of India, such absence to be computed from the date of his leaving the frontier of his own Presidency, to the date of his return thereto. If he shall proceed to sea, such absence to be computed, from the date of sailing of the vessel on which he may have embarked from any Port in India which is not more distant from his Station than the Ports of his owa Presidency, to the date of his arrival at any Port within the Presidency to which he belongs, or at any other Port which is not more distant from his Station than the Ports of his own Presidency.—*Cov. Ab. rules, sec.* 6, *cl*, 2, *and C. P. M. W. P. paras.* 107-109.

Absentee's Office will be vacated if he be absent beyond 18 months altogether or beyond 15 months at any one time unless in particular cases. From what date absence is to be computed.

Computation of leave beyond sea.

4454. Leave beyond sea is reckoned from the date inclusive of the Pilot quitting the vessel on which an Officer may embark, to the date, exclusive of the Pilot taking charge of the vessel on which the Officer may return.—*Govt. Ord. W. P. Feb.* 15, 1848, *and C. P. M. W. P.* 110.

Allowances during sick leave.

4455. The absentee will be entitled to draw a moiety of his salary and the same will be paid to him during such period of absence, provided he shall in no case draw a larger sum than Rupees 10,000 per annum or Rupees 833-5-4 per mensem, during that period. In cases in which the emolument of the absentee's Office does not exceed Rupees 5,000 per annum or Rupees 416-10-8 per mensem, no deduction therefrom shall be made for the period of 18 months, nor shall such a deduction be made in other cases as shall reduce the allowance below Rupees 5,000 per annum or Rupees 416-10-8 per mensem. In cases in which the salary of the absentee may not be of that amount, the full salary will be granted.—*Cov. Ab. rules, sec.* 6, *cl.* 3, *and C. P. M. paras.* 111-113.

Special leave for going to port of embarkation or sanatarium and return therefrom.

4456. Special leave will be allowed, for the interval elapsing between departure from station to the commencement of reckoning absence, or between the end of reckoning absence and re-arrival at station, for an additional period of four, six or eight weeks according as the distance to be travelled shall not exceed 300 or 600 miles, or be in excess of the last mentioned distance, on the condition that during this additional period the absentee shall be entitled to draw the same rate of allowance as is allowed by clause 3 of this Section (4455.)

If the leave on medical certificate be taken in India, the preparatory leave is to be calculated at the rate of one day for every 15 miles of the distance to be travelled to the sanatarium.—*Ibid, sec.* 6, *amended cl.* 4, *and Order of Government India Act.* 14, 1857 *and Ibid,* 114 *and* 115.

4457. Official duties assigned to an absentee exempt him from deduction of salary during their actual performance, but do not entitle him to deputation allowance. Time, during the performance of duties so assigned, does not reckon as leave —*Govt. Order W. P. Aug.* 14, 1840 *and Ibid,* 116.

Hill station at Murree.

4458. The presence of a Civil Officer at the Hill Station at Murree is considered necessary, and an Officer is to be sent there on duty every season on his full pay. Preference to be given in the selection, to an assistant compelled by ill-health to leave the plains.—*Order of Govt. India April* 12, 1853, *and Ibid,* 117.

Chumba Hills.

4459. An Assistant Commissioner to be appointed to the charge of the sanatarium in the Chumba Hill, on the same principle as that which obtains at Murree.—*Ibid, Feb.* 8*th,* 1854 *and Ibid,* 118.

Special case of delay to embark-

4460. Mr. failed to embark within the period of his special leave, and Government as a special case, authorized the interval which elapsed between the expiration of the preparatory leave and embarkation, to be counted as part of the 15 months leave to England.—*Ibid, Dec.* 31*st,* 1855, *and Sept.* 12*th,* 1856 *and Ibid,* 119.

Officer taking leave to a sanatarium within his Presidency may get leave to Europe.

4461. An Officer taking leave to a sanaterium within the Presidency, may get his leave extended to proceed to Europe but he will not be entitled to a fresh preparatory leave for reaching the Port of embarkation, having once been allowed the same, and the leave in such cases must reckon from the date of arrival at the sanatarium, to the date of return to the Port of embarkation.—*Ibid, Oct.* 3, 1856 *and Ibid,* 120.

Separate applications for preparatory leave not necessary.

4462. Separate applications for preparatory leave not considered necessary, and the Civil Pay Master is authorized to adjust the allowances for such periods when satisfied that the conditions of the rules have been fulfilled. This order is restricted to cases of authorized sick leave to the Hills or to sea.—*Ibid, April* 17*th,* 1857 *and Ibid,* 121.

Extension of leave by the secretary of state in England.

4463. If the absentee shall apply under medical certificate, to remain absent for a longer period than 18 months, or 15 months at any one time, and it shall appear to the Hon'ble the Secretary of State for India, to be absolutely necessary, after examination by their Medical Officer in England, that he should do so, the leave which may have been granted in India will, under the orders of the Hon'ble the Secretary of State for India, be extended to the limit of two years, with permission to retain Office, dna half salary, within the limits enjoined, during such extension.—*Cov. Ab. rules, sec.* 6, *cl.* 5 *and Ibid,* 122.

4464. If the absentee be in India, the leave may be extended to the limit aforesaid under the orders of the Government of India, or the subordinate Governments upon the certificate of a Board of Medical Officers, to be summoned to report on the state of the absentee's health.—*Ibid, and order Govt. of India Dec.* 22, 1855 *and Ibid*, 128. Extension of leave in India.

4465. If the absentee be compelled by the state of his health under due Medical Certificate, to remain absent for a longer period than 18 months or 15 months at any one time, or beyond 2 years in the case of an extension under clause 5 (4463), he will, as before stated, vacate his appointment, but he will be permitted to receive an allowance at the rate of £500 per annum, if above 10 years standing at the time the leave was granted, or of £250 if not above 10 years standing at the time when the leave was granted, for such further period of absence as shall not exceed the entire term of 3 years in the whole. At the expiration of that term, all allowance must cease until he reports his return to his Presidency.—*Cov. Ab. rules, sec* 6, *cl.* 6 *and Ibid*, 124. Allowances during the extended period.

4466. This Clause is not applicable to the case of an Officer whose absence is not a continued one, and who applies for a fresh leave. He may however be allowed one year's Furlough on Medical Certificate, provided he has become entitled to it by seven years' service.—*Order Govt. of India March* 14, 1861.

4467. If a Civil Servant of more than 15 years' service, after having been absent on sick leave for 18 months in the whole, or for 15 months at one time, at whatever period of his service such sick leave shall have been taken, shall be again compelled by the same cause to apply for leave of absence, the Government of India and the Subordinate Governments, may on special grounds, grant leave of absence for one further period not exceeding 6 months, during which the absentee may retain his Office and half his salary under the limits above enjoined.—*Cov. Ab. rules sec.* 7 *and C., P. M W. P.* 125. Second leave on medical certificate.

4468. The grant of leave to a Civil Servant under Section VII., must be limited to six months, and the circumstance of his first leave under section VI., being for a shorter period than 18 months or 2 years, affords no ground for deviating from the rule laid down in Section VII.—*Order Govt. India July* 19, 1859 *and Ibid*, 126. Limited to six months.

4469. If a Civil Servant, after 15 years' service, shall be compelled by ill-health to apply for further leave of absence, he may be permitted, on special grounds, to obtain it, but his absence will involve the loss of Office and salary; the Government of India and the subordinate Governments will however, respectively, exercise a discretionary power to grant, in such last mentioned case, a sick absentee allowance, not exceeding Rupees 5,000 or £ 500 per annum, for a further period not exceeding 12 months —*Cov. Ab. rules, sec.* 8 *and Ibid*, 127. Further leave, after 15 years, service.

4470. A Civil Servant who has taken sick leave under the rules of 17th May 1843, will not be debarred by that circumstance from taking such leave again under the above rules, with the privilege of retaining Office, provided the leave be not granted till 3 years have expired after his return from his leave under the rules of the 17th May 1843.—*Ibid, sec.* 9 & *Ibid*, 128. Taking leave under Rules of 17th May 1843 does not debar from leave under these rules.

4471. None of the above mentioned rules will be applicable to Members of Council, Each member may, however, with the special sanction of the Government, be permitted to be absent, under medical certificate, for a period not exceeding six months, retaining his Office, and receiving half his salary, which shall be paid to him during such absence, but if his absence shall exceed six months, his Office will be vacated.—*Ibid, sec.* 10 *and Ibid*, 129. Leave to members of Council.

4472. Civil Servants who may desire to draw their allowances while absent on account of sickness under the above rules, will be required to give security in such amount and form as may be fixed by the Government, (now Civil Pay Master v. 4476) for the refund of any excess that may be drawn either by the Agents at the Presidency, or by themselves in case of their coming under retrenchment.—*Ibid, sec.* 11 *and Ibid*, 130. Security to be taken if absentee wish to draw allowances during leave.

4473. On the production of a last pay certificate, the Civil Pay Master, Fort William, may pass the salary bill of an absentee to the date of embarkation payable at the General Treasury, less the Salary of absentee up to date of embarkation can be passed by Civil

Pay Master Fort William.

authorized deductions; furnishing the Civil Pay Master N. W. P. with copy of the registered entries of Bills passed in Calcutta for the salary of Civil Servants attached to the N. W. Provinces.—*Ord. Govt. India Jany.* 5, 1830 *and March* 10, 1841 *and Ibid*, 181.

Agents may draw allowance of absentee on furnishing security.

4474. The Agents of a Civil Officer who has proceeded on leave beyond sea, may draw the authorized amount of his allowances. The salary bills will be audited by the Civil Pay Master, Fort William, on the production of Pilot's certificate of departure, payable at the General Treasury, less the usual premium of one per cent; (this is omitted if absent on sick leave) in addition to the authorized deduction when the absentee is holding Office in the Provinces and absent on private affairs. The agents must furnish approved security for the refund of any Government demand against the sum so drawn by them.—*Ibid, Aug.* 14, 1839 *and Ibid*, 132.

Absentees in Europe can draw their allowances at Secy. of State's

4475. Absentees in Europe on medical certificate are not under the necessity of drawing their salaries through their agents in India on bills audited by the Civil Pay Master, but are at liberty to draw them at the Office of the Secretary of State for India at the rate of 2S. the rupee on the production of the last pay certificate—*Ibid, July* 21, 1855 *Ibid*, 133.

4476. An Officer, visiting England can draw his salary during absence through his agents on guarantee, on application to the Civil Pay Master, instead of, as is now the rule, going up to Government for Sanction in each individual case.—*Ibid, Feby.* 11, 1861 *and Ibid*, 134.

PRIVILEGE LEAVE IN INDIA, EUROPE OR ELSEWHERE.

One months privilege leave can be granted every year.

4477. The Government may grant to Civil Servants leave of absence to any place in India, Europe, or elsewhere, without any restrictions whatever as to the place to which they may resort, for one month in each calendar year, without deduction from the salaries and emoluments drawn by such servants; such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officer seeking it.—*Cov. Ab. rules, chap.* 3, *amended sec.* 12, *cl.* 1 *and Ord. Govt. India May* 8, 1855 *and C. P. M. W. P. para.* 135.

When second leave can be granted under these rules.

4478. No second leave can be granted under this Rule until the completion of 11 months from the expiration of the last leave if taken at one time; or from the date of return from any sick leave, or until the completion of six months from the expiration of the last instalment of a leave, (if it has been divided) taken in a past calendar year. Civil Servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions leave of absence for two successive months, to commence at or after the expiration of 22 months from the termination of their former leave, and if two years elapse without enjoyment of the privilege, leave for three months may, in like manner, be granted at the expiration of 33 months from the termination of the last preceding leave, but no leave shall be granted under this Rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted under this Rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one month beyond the term granted, his Office shall become vacant.—*Cov. Ab. rules chap.* 3, *amended sec.* 12 *cl.* 1 *Ord. Govt. India, Dec.* 5, 1856 *and C. P. M. W. P.* 136-138.

Students not entitled to privilege leave.

Nor Officers returning from furlough till expiry of a certain period.

4479. Students attached to the College, or studying in the Provinces, are not entitled to indulgence leave, and after joining their first appointment, must perform eleven months duty to entitle them to leave under section XII. Officers on return from furlough must likewise qualify by eleven months work after joining their first appointment, before they can obtain privilege leave.—*Govt. Order W. P. Dec. 7th*, 1852 *and Ibid*, 139-140.

Absentees on privilege leave to get full pay.

4480. Civil Servants taking privilege leave are to enjoy their full salaries in every instance, and the cost of substitutes in such cases to be debited to the Absentee Fund.—*Order Govt. of India Aug.* 30, 1855 *and Ibid* 141.

4481. The condition of privilege leave, is return to duty on its expiration; and the allowances of an Officer will therefore not be payable, till he shall have rejoined his station.—*Ibid, July* 11, 1856 *and Ibid*, 142.

4482. An Officer applying for privilege leave on the grounds of ill-health can obtain the same, as the sole restriction on the grant is that no inconvenience whatever must arise from the departure of the Officer seeking it.—*Ibid, June* 27, 1859 *and Ibid*, 143. Privilege leave on ground of ill health can be obtained.

4483. Privilege leave on a Medical Certificate does not give the applicant any claim to the same with retrospective effect, in opposition to the established rule (section III.); if allowed it must be as a special case.—*Ibid, April 12th*, 1860 *and Ibid*, 144. But not retrospectively.

4484. No privilege leave, not even for a day, can be granted until an Officer has earned it by being at his post eleven months, when the Government may, if convenient, give him one month's leave, either at one time or by instalments, but the provisions of the Rules, do not permit of any leave being granted until eleven months service has been completed.—*Ibid, Aug.* 17, 1860, *and Ibid*, 147. Privilege leave cannot be granted till after expiry of full 11 months.

4485. Civil Servants absent from their Stations under medical certificate cannot be admitted to leave under this Rule in continuation of their sick leave; and if, while absent under this Rule, they be granted extended leave under medical certificate, they shall be considered liable to the Rules applicable to leave of absence on medical certificate for the whole period of their absence.—*Gov. Ab. rules sec.* 12, *cl.* 2, *and Ibid*, 148. Absentees on medical leave cannot get privilege leave.

4486. Civil Servants, who have been absent on medical certificate during any portion of a calendar year, are not entitled to leave under this rule during the year: nor can leave under this rule be taken in connection with, or continuation of leave granted under Sec. 14, cl. 1 (4489).—*Ibid, amended cl.* 3, *and Ord. Govt. India May* 8, 1856, *and C. P. M. W. P. para.* 149. Privilege leave cannot be taken in continuation of leave on private affairs.

4487. As a general rule, when leave is granted under Sec. 12 such leave will be in one period only, whether for a whole month or less, and not in detached portions to complete one month; but as an exception to this Rule, it shall be discretional with the several Local Governments, when good cause is shewn for the indulgence and it is attended with no public inconvenience, to sanction leave of absence under this Rule to such parties as may not have occasion to apply for the whole at once in two instalments only, which are not to exceed, in the aggregate, one month within the calendar year.—*Gov. Ab. rules amended sec.* 13, *Ord. Govt. India May* 8, 1856, *and Ibid*, 150. Can be taken in two instalments.

4488. An Officer is entitled to one month's privilege leave in the year which may be allowed in two instalments. If one only is obtained and the other not taken within the calendar year, the balance whatever it may be will be forfeited, and a fresh leave can be granted only after the expiration of eleven months from the expiration of the leave that was taken. But if both instalments are taken, he will be entitled to a fresh privilege leave after the expiry of eleven months from the expiration of one month after the commencement of the first instalment.—*Ord. Govt. India April* 12, 1860, *and Ibid*, 151. Instalment not taken within the year will be forfeited.

SPECIAL LEAVE ON PRIVATE AFFAIRS, IN INDIA, EUROPE, OR ELSEWHERE.

4489. The Government may, on sufficient cause being shown, grant to a Civil Servant special leave of absence on private affairs for six months to any place in India, Europe, or elsewhere, without any restrictions whatever as to the places to which he may resort; provided, however that the absentee shall draw no more than one-half of his salary and allowances. After an absence of six months any Office held by the absentee shall become vacant. Such leave is not to count as residence qualifying for annuity.—*Gov. Ab. rules amended sec.* 14, *cl.* 1, *Ord. Govt. India Dec.* 22, 1855, *and C. P. M. W. P. paras.* 152, *and* 153, *and Des Secy. of State No.* 198, *Nov.* 25, 1862. Special leave of six months on private affairs can be granted on half pay.

4490. Civil Servants proceeding to Europe on leave on private affairs retaining their appointments, are not required to furnish security on account of unadjusted demands (unless specially required vide 4434).—*Order Govt. India July 11th, and Nov.* 14, 1855, *and Ibid*, 154. No security required.

4491. The Secretary of State for India will not accept a resignation from any Civil Servant whilst on leave on private affairs, without ascertaining that there are no demands against him.—*Ibid, and Ibid*, 155. Resignation during leave.

4492. In the case of Civil Servants who have taken previous leave on Medical Certificate under the old Rules, the grant of six month's special leave under Section XIV. shall not be held to be affected by Rule of the 10th September 1856 (4518) which refers to Furlough only.—*Order Govt. India Nov.* 14, 1856, *and C. P. M. W. P.* 156.

4493. Leave under section XIV. cannot be allowed to Officers preparatory to resigning the service.—*Ibid, Jan.* 20*th*, 1858, *and Ibid*, 157.

Such leave cannot be granted by instalments. Proviso.

4494. Leave on Private Affairs for six months cannot be granted by instalments, but there is nothing to prevent such leave being allowed for a shorter period than six months, *provided the condition of leave not being claimable under the same Rule for six years*, is maintained.—*Ibid, Oct.* 10*th*, 1860, *and Ibid*, 158.

How such leave shall be computed.

4495. The leave granted under this section, if taken in India, will be computed from the date of the absentee's quitting his station to the date of his return thereto If taken to Europe or beyond Indian limits, the leave will be computed from the date of sailing of the vessel on which he may have embarked from the port nearest to his station, to the date of his arrival at the same on his return to duty. A second leave of the same description cannot be taken till the expiration of six years from the date of return to duty from a former leave. No portion of the half salary allowed to be drawn, will be claimable till the absentee shall have returned to his duty. For the interval elapsing in the case of leave taken to Europe or beyond Indian limits, between departure from station to arrival at the port of embarkation, or between return to port and re-arrival at station, the Government may grant on the same terms and conditions as the special leave, such an additional period of leave as may be considered to be absolutely required to enable the absentee to reach the Port of embarkation, or to return from the Port of debarkation to his station —*Cov. Ab. rules, amended sec.* 14, *cl.* 2, *Order Govt. India Dec.* 22*nd*, 1856, *and C. P. M W. P. paras.* 159-163.

Second leave cannot be granted till six years after.

Additional leave for going from station to port of embarkation and for return.

No allowance can be drawn till the absentee returns to duty

4496. As it is expressly provided in clause 2, section 14, that no portion of the half salary allowed to be drawn will be claimable till the absentee shall have returned to duty, this provision must be held to apply to every case of leave on private affairs under section 14 whether in India or England.—*Order Govt. India Nov.* 20*th*, 1855 *and Ibid*, 164.

On return absentee to draw half salary

4497. An absent Officer is entitled to draw his authorized half salary upon his *bŏna-fide* return to the service, and when he is ready to take any appointment the Government to which he reports himself may give him. Forfeiture would only follow in case he were to leave the service altogether, and not to return.—*Ibid, March* 24, 1860, *and Ibid*, 165.

Leave cannot be granted as a matter of course.

4498. It will be understood that leave under this section is not to be granted as a matter of course to every applicant, but that it will be the duty of the Government to consider and determine whether the grounds of the application are sufficiently urgent to justify the concession of the leave.—*Cov. Ab. rules, sec* 14, *cl.* 3, *and Ibid*, 166.

A absentee on private affairs leave taking sick leave.

4499. In the event of a Civil Servant while absent on special private affairs leave under section 14, falling sick and being granted extended leave under Medical Certificate, he shall be considered liable, for the whole period of his absence, to the Rules applicable to leave of absence on Medical Certificate.—*Ibid, sec.* 14, *new cl.* 4, *and Order Govt. India June* 5*th*, 1857, *and Ibid*, 167.

Absentee on leave on private affairs taking sick leave

4500. If an absentee on leave on private affairs, remains absent on Medical Certificate beyond the period allowed on private affairs, he breaks the terms of that leave by taking sick Certificate and must therefore fall back on the Rules applicable to leave of absence on Medical Certificate provided he is entitled to such leave, otherwise he must forfeit his salary and appointment.—*Order Govt. India Nov.* 20*th*, 1855, *and Ibid*, 168.

4501. Applications for leave on account of incapacity from sickness not to be admitted as a ground for granting special leave on private affairs under section 14 of the Civil Absentee Rules.—*Ibid, June* 27*th*, 1859, *and Ibid*, 169.

4501½. With reference to my Financial Despatch dated the 15th March 1860, No. 41 and 16th March 1861 No. 39, I have to call the attention of your Government to the omission of your Officers to

furnish Civil Servants to whom leave of absence may be granted on private affairs with the prescribed leave Certificate on the ground that as they will not receive any absentee allowance in the country such Certificate is not requisite. Particulars of the period and nature of leave and the date of its commencement are always necessary, and in cases of extensions on Medical Certificate of leave on private affairs granted by your Government, a Civil Servant may become entitled to draw absentee allowance in this Country instead of only on return to India. To enable me therefore to determine the date of such allowance, I request that a column may be added to the form of Certificate already prescribed in which the salary of the substantive appointment held by the Officers should be inserted, and certificates in that form with this addition should be furnished in every case of the grant of leave to Members of either the Covenanted or Uncovenanted Service.—*Des. Secy. of State for India No.* 118, *July* 31*st* 1862.

RULES FOR FURLOUGH AND RESIGNATION OF SERVICE.

Furlough can be taken for three years at once or by three instalments.

4502. In the place of the period of the three years (in one term) for which furlough has hitherto been granted, Civil Servants will be allowed the option of taking a furlough of three years as at present, or of dividing the furlough into three periods of one year each, to be taken after successive periods of seven years residence,* or into two periods, which may either be of one or two years respectively, or of eighteen months each; provided that in every case, the Civil Servant shall declare, on taking his furlough, whether he intends it to be for twelve, eighteen, twenty-four or thirty-six months, in order that the Government may make its arrangements accordingly. In case of a division into two periods, the first furlough must be taken after a residence of not less than ten years, and the second furlough after a further residence in India of ten (now 7) years from the date of return from the first furlough, Civil Servants returning on furlough to Europe will continue, as at present, to vacate their Offices.—*Cov. Ab. rules, chap.* 4, *sec.* 15, *and O. P. M. W. P.* 170-172.

* Order of Government of India Oct. 6, 1860.

How many furloughs can be granted each year Order in which they are to be assigned.

4503. By the original furlough Rules of 1825, seventeen furloughs were granted in each year, besides the untaken furloughs of former years, but so that not more than fifty-one Civil Servants should be absent at once. Preference was given first to applicants on medical certificate, and second to qualified Civil Servants according to rank. By the rules of 1828, it was declared that furloughs were to be considered as lapsed on the death, retirement, or return of the holder, or on the expiry of three years from the date of his embarkation. By the Rules of 1839, the furloughs of the year were declared on the 1st November and assigned to applicants up to that date in order of rank; and the furloughs lapsing after that date up to the 31st March following were also made available, first to applicants, on sick certificate in order of application, second to the remaining applicants on the 1st. November in order of rank, and third to other applicants in order of application. But furloughs lapsing after the 31st. March were not available till the following 1st. November except to applicants on medical certificate All furloughs falling in between the 31st March and 31st October in each year shall be given, first, to applicants on Medical Certificate; second, to applicants on or before the previous 1st November according to standing in the service; and third, to applicants after the previous 1st. November, according to priority of application In all other respects the rules will remain as at present—*Ord. Govt. India March* 28, 1856 *and C. P. M. W. P. paras.* 173-177.

Furloughs to be granted and applications to resign to be dealt with by Government of India.

4504. The grant of furloughs to Civil Servants will be regulated and their applications to resign the service also dealt with, by the Government of India in the Home Department. All reports of departure to, and arrival from, Europe (except by Civil Servants on leave granted by the Local Government, under chapters II. and III. of the Absentee Rules,) shall be made to and gazetted in the Home Department of the Government of India. Every application for furlough or for permission to resign the Service, shall be made through the Government or Chief Civil Authority at whose disposal the services of the applicant are placed.—*Ibid, July* 27, 1855 *and Ibid* 178-180.

4505. The Secretary of State for India will not accept a resignation from any Civil Servant whilst on leave in Europe, without ascertaining that there are no demands against him.—*Ibid, November* 14, 1855 *and July* 11, 1856 *and Ibid* 181.

A Civil Servant on leave in England can retire on expiry of leave without returning to India. Allowances for period of leave.

4506. A Civil Servant, absent, either on medical leave, or on leave on private affairs (privilege or special), may be allowed to retire from the Public Service on the expiration of his leave of absence in England, without returning to India, (supposing that such is all that remains to complete his service of twenty-five years,) but it is only in the case of medical leave that he will be able to retire without loss of his absentee allowances. This rule will apply equally, to the case of a resignation tendered in India.—*Order Govt. India, Aug.* 20 *and Oct.* 26, 1855 *and Ibid*, 182.

Certain Civil Servants to declare the port from which they intend to embark.

4507. Officers, holding appointments directly under the Supreme Government, entitled to obtain furlough on private affairs, or on medical certificates or otherwise, from the Governments of Bombay and Madras, without any reference to the object contemplated by them, to whatever Presidency they may belong, shall in making application for preparatory leave to the Supreme Government, declare from what port it is their intention to embark, and whether they desire to obtain a furlough on private affairs, or on medical certificate, or with a view of ultimate retirement from the service of Government; a copy of such application will be communicated in due course to the Local Governments in order to provide against any other furlough being granted, than that contemplated.—*Ibid, Sept.* 24, 1855 *and Ibid*, 183.

4508. Permission for immediate embarkation may be granted by Local Governments in cases of urgent necessity on production of medical certificate; but the term for, and the conditions on which leave is taken must be understood to rest ultimately with the Government of India, and shall not depend on the Local Government.—*Ibid, and Ibid*, 184.

Junior Civil Servants would not get passage allowance of 2000 Rupees which they before used to get.

4509. Junior Civil Servants returning to Europe on sick certificate, having been admitted to precisely the same advantages during absence as their seniors, who may have served for ten years and upwards; and having also had conceded to them the advantage which they did not before enjoy, of taking furlough on private affairs after ten years residence, notwithstanding their previous absence, it is not intended to continue the passage allowance of Rupees 2,000, granted under the old rules in such cases.—*Ibid, Nov.* 13, 1855, *and Ibid*, 185.

Certain Civil Servants going on furlough to give security.

4510. Civil Servants about to retire from the Service, or to leave the country on furlough, against whom there may be claims in the Public Books, are required to furnish a guarantee in the following form:

Form of guarantee.

In consideration of Mr. of the Civil Service being allowed to resign Her Majesty's Indian Service (or being permitted to go to Europe on furlough,) before obtaining from the Offices of Deputy Auditors and Accountants General and Civil Pay Masters, a certificate of no demands I (or we) do hereby guarantee the payment of any claim that may exist on the part of Government against the said Mr. to the extent of Rs. *Ord. Govt. India June* 6, 1856 *and Govt. W P. Jan.* 27, 1858 *and Ibid*, 186.

If no demands certificate can be given before departure of absentee.

4511. When a certificate of "no demands" cannot be given before the departure of the Servant, it should be forwarded to the Secretary of State for India, at the earliest practicable period by the Offices of Deputy Auditors and Accountants General and Civil Pay Masters to which the absentees may be responsible.—*Ord. Govt. India Dec.* 5, 1856 *and Ibid*, 187.

Rule about allowances if furlough is taken in extension of privilege leave

4512. It is the rule that if a Civil Servant, whilst absent on privilege leave, be granted extended leave under medical certificate, he shall be considered liable to the rules applicable to leave on medical certificate for the whole period of absence, and a different practice is not to be maintained when a furlough on private affairs is taken in extension of privilege leave. In the latter case a moiety only of salary should be drawn up to the date of the absentee's quitting India or furlough allowance.—*Ibid, July* 11, 1856 *and Ibid*, 188.

4513. Officers intending to take furlough or to retire from the Service, will, in future, be required to continue to serve, unless disabled by sickness, for a period of three months after return to duty from privilege leave under the Civil Absentee rules, failing which its advantages will be forfeited.—*Ibid, Nov.* 14, 1856 *and July* 4, 1857 *and Ibid*, 189.

4514. The period of preparatory leave prior to furlough on private affairs during which the absentee shall be allowed a moiety of his allowance, shall be governed by the rules (cl. 4 sec. 6. 4456) applicable to similar leave in case of medical certificate extending to four, six, or eight weeks according to circumstances, and a separate application for this leave must be submitted.—*Ibid and April* 15, 1857 *and Ibid*, 190.

Preparatory leave prior to furlough on private affairs.

4515. Officers stationed at the Presidency towns, (Calcutta, Madras and Bombay) will be allowed preparatory leave for a period not exceeding one month.—*Ibid, and Ibid*, 191.

To Officers in presidency towns

4516. The rule laid down in the two preceding paras. is applicable also to Officers retiring from the service, provided it can be granted without detriment to the Government service.—*Ibid, April* 24, 1857 *and Ibid*, 192.

4517. All applications for furlough before being submitted for the orders of the Government of India, are to be referred to the Civil Pay Master for report, and each application must be accompanied by the Pay Master's report thereon.—*Ibid, Sep.* 19, 1856 *and Ibid*, 193.

Furlough applications to be referred to C. P. M. for report.

4518. Civil Servants who have taken leave of absence upon sick certificate to Europe, or elsewhere beyond sea, will be ineligible to furlough on private affairs, until they have served six years from their last return to duty. This rule will not apply to short leaves to sea,————or when a medical certificate supports the application for furlough.—*Ibid Sep.* 10, 1856 *and April.* 12, 1860 *and Ibid*, 194.

Period to elapse before furlough can be taken by persons who had taken sick leave beyond sea. Exception.

4519. The foregoing rule is not intended to apply retrospectively to Officers who obtained leave on medical certificate before the date of its publication.—*Ibid, April* 24, *and July* 7, 1857 *and Ibid*, 195

4520. An Officer after obtaining three years furlough, should he return within the expiration of two years, can retain the remaining one and avail himself of it after ten years further residence.—*Ibid, July* 6, 1857 *and Ibid*, 196.

4521. Officers, who were obliged under orders to return to India, before the expiration of the furloughs, to which their services had entitled them, will not, in respect to the remaining portions of the furloughs relinquished, be subject to the restrictions prescribed by the printed rules, as to the periods which must ordinarily elapse before leave can again be given, but may be permitted to take the remainder of their furloughs whenever their services may not be required in India.—*Ibid, Nov.* 7, 1857 *and Ibid*, 197.

Restriction not to apply to Officers obliged to return to India under orders.

4522. A Civil Servant should he prefer it, may take his furlough in India.—*Ibid, Dec.* 15, 1857 *and Ibid*, 198.

4523. Leave under Section 14 (1489) cannot be allowed to Officers, preparatory to resigning the service, (but leave for embarkation can be obtained vide 4516).—*Ibid, Jan.* 29, 1858 *and Ibid*, 199.

4524. An Officer obtaining preparatory leave to reach the port of embarkation previous to resigning the service, vacates his appointment on the date of departure according to pilot's certificate.—*Ibid, June* 3, 1859 *and Ibid*, 200.

Date on which Officer resigning vacates his appointment.

4525. A Civil Servant after ten years' residence can divide his furlough into two instalments of one or two years respectively, or of eighteen months each, and can obtain the second instalment after an uninterrupted residence of seven years when available.—*Ibid, June* 20, 1859 *and Ibid*, 201.

Furlough can be divided into two instalment after ten years residence.

4526. The two years passed at Haileybury are not allowed to count as actual residence, in calculating the period after which an Officer is entitled to furlough.—*Ibid, Oct.* 13, 1860 *and Ibid*, 203.

4527. Furloughs, until further orders, and except on medical certificate, shall not be allowed to any member of the Bengal Civil Service, except on the return to India from furlough of a Civil Servant belonging to the same Division of the Presidency to which the applicant for furlough belongs. Under the foregoing rule, all applications for furlough will be registered, and on a furlough becoming availble by the return to India of any Civil Servant now absent on furlough, it will be allowed to the senior applicant of the Division to which the returning Civil Servant is attached, on the understanding that, if the applicant to whom the furlough is assigned fails to take advantage of it within two months from the date of the assignment, it will be transferred to the next senior applicant. For the purpose of this rule an

Furlough to a Bengal Civil Servant not to be allowed except on return from furlough of an Officer belonging to the same Presidency.

Officer will be considered to have taken advantage of the furlough assigned to him, when he has applied for leave to make over charge of his Office.—*Ord. Gov. India Oct* 24, 1860 *and C. P. M. W. P. paras.* 204 *and* 205.

Amount of Furlough Allowance.

4528. The furlough allowance granted during the periods mentioned in Section 15 will be at the rate of five hundred pounds per annum, and the receipt of it will not, on any grounds whatever, be permitted for any longer period than three years.— *Cov. Ab. rules, sec.* 16 *and Ibid*, 206.

Civil Servants compelled by sickness to take sick leave before 7 years residence.

4529. Civil Servants who may have been compelled by sickness to quit their duty under medical certificate, before completing seven years residence in India, will be entitled to receive, during their furlough on private affairs, taken subsequently to their completion of that period of residence, the ordinary furlough allowance of five hundred pounds per annum, for three years.—*Ibid, sec.* 17, *and Ibid*, 207.

Period of furlough which is to count as service.

4530. In applying the foregoing rules in substitution of those before existing, periods of absence, to the limit of three years, will count as service in India, in the twenty-five years entitling to the annuity, the present qualification of the twenty two years residence being retained.—*Ibid, sec.* 18 *cl.* 1, *and Ibid*, 208.

New rules will not have retrospective effect.

4531. All leave granted under the old rules which counted as "service and residence" or as "service" under those rules, will be allowed to count as such, although a portion of it may not have expired on the date, on which the new rules came into operation. An Officer admitted to a furlough on private affairs subsequently to the promulgation of the new rules, such furlough in addition to the sick leave, which he has taken in past years under the old rules, can be counted in his qualification of twenty-five years service for the annuity as the option of the old rules, having been advisedly withheld, it was not intended that the rules which have been substituted for them, should operate with retrospective effect.—*Ord. Govt. India March* 10, 1856 *and Ibid*, 209 *and* 210.

Sick leave for one year to count as service as also short leaves under sec. 12 and 14.

4532. Absence on medical certificate to the extent of one year will reckon as service and residence in India, and be so computed in addition to the three years of absence which, under the clause next preceding, are allowed to be reckoned as Indian service. All periods of short leave of absence on private affairs taken under Sections 12 and 14 (4477 and 4489) of the Absentee Rules will also count as service and residence.—*Cov. Ab. rules, sec.* 18 *cl.* 2 *and* 211 *and* 212.

4533. No previous absence on medical certificate under the old regulations, can be held to bar the privilege conferred by Clause 2, Section 18 of the new Covenanted Civil Absentee rules, of counting one year's absence on medical certificate both as service and residence.—*Govt. Ord. W. P. Dec.* 17, 1858, *and Ibid*, 213.

4534. Civil Servants ordered out from England before the expiration of their furloughs, consequent on the mutiny in India of 1857, the time occupied in the journey from London to Calcutta and (in the event of their wishing to avail themselves of the remainder of their furloughs) their journey to England, to count as service.—*Ord. Govt. India March* 25, 1859 *and Ibid*, 214.

When a servant is permitted to return by a particular vessel.

4535. When a servant of either the convenanted or uncovenanted service is permitted by the Authorites in England to return to duty by a particular vessel, of which the Government in India will be duly advised, it is equivalent to granting him an extension of leave until the arrival of that vessel in India.—*Des. Secy. of State No.* 186, *Oct.* 31, 1862 *para.* 10 ; *Ord. Govt. India No.* 44*G*, *Dec.* 19, 1862.

ANNUITIES.

Period of service residence qualifying for an annuity.

4536. In regard to the period of service which is in future to be required as a qualification for an Annuity, Her Majesty's Government see no reason for altering the period of twenty five years' service and twenty two years' residence (including one year's sick leave if such has been taken as at persent,) but they cannot allow any future special leave of absence from India on private affairs to count as residence.

Amount of full annuity.

"No sufficient ground appears to have been assigned for increasing or altering the amount of the full Annunity, which must therefore remain at £1,000, or of the amount of percentage of deduction

from salaries which will continue at four per cent. the amount of subscriptions to accumulate, as to a per cent. at six per cent. interest.

"Her Majesty's Government are of opinion that there is ground for making some alteration in the terms on which Annuities are granted, and they have decided that a Civil Servant who has completed the prescribed period of service and residence shall be granted by Government an Annuity of £600; and that he shall have the option of taking in addition an Annuity of the amount not exceeding £400, which his accumulated subscriptions with interest will purchase according to the Table now inforce, or of adding to his subscriptions such a sum as will purchase an Annuity of any amount which, added to the £600, granted by Government, will not exceed the full Annuity of £1,000,. They have also decided that Annuities, without limitation as to number, may be granted on application, at any time, to covenanted Civil Servants who have completed the prescribed periods of service and residence, and whose resignations of the service have been accepted, and that those Civil Servants who have obtained annuities since the memorials were sent in be admitted from this date to the benefit of the arrangement now sanctioned. "It must be clearly understood that in the event of the death of a subscriber his accumulated subscriptions will lapse, and that no refund of subscriptions can, under any circumstances, be allowed.

Part of the above ammount to be granted by Govt. and part to be made up from subscriptions of the applicant Annuities without limitation may be granted.

Subscriptions to lapse on death of subscriber.

"Her Majesty's Government are also disposed to make some provision for covenanted Civil Servants who, having devoted a portion of their lives and energies, and especially those years during which men qualified for a profession to the service of Government, are deprived of the fruits of their labor by sickness which may compel them to resign the service before they have become entitled to an Annuity. In any such cases, when clearly proved by a medical certificate, the following pensions may be granted: If under five years' service a grant of £500.

Pensions to be granted if Civil Servants be disabled for work before the completion of the prescribed term.

Of five years' service and under ten an Annuity of £150.

Of ten years' service and under fifteen an Annuity of £250.

Of fifteen years' service and under twenty an Annuity of £350.

Of twenty years' service and under twenty-five an Annuity of £450.

"Her Majesty's Government are willing to sanction the payment of all the annuities quarterly and to the date of decease with the some option as to payment in India or England as at present".—*Des. Secy. of State No.* 193, *Nov.* 25, 1862, *Order Govt. India No.* 1*G*, *January* 2*nd*, 1863.

4537. The Governor General in Council is also pleased to direct the publication of the following paragraphs of the same despatch containing orders regarding the claim to assistance from the state preferred by the Bengal Civil Fund, the Madras Civil Fund (Charity Branch), and the Bombay Civil Fund (Provident Branch):

Grants in aid to the Civil Funds of Bengal, Madras and Bombay.

"Her Majesty's Government have no intention of withdrawing the aid which has been hitherto granted, and they see no reason for increasing it. If the subscribers prefer it there would apparently be no objection to granting in lieu of the present in direct aids, an annual sum equal to the average of the donations during the past five years, the future interest on the balance of the Funds being in that case fixed at five per cent., and the remittance of the sums required by the Funds in England being made at the same rate of exchange as that fixed annually for the adjustment of transactions with the British Exchequer.

"These changes may severally be brought into immediate operation, and a copy of this Despatch will be forwarded to the Governments of Madras and Bombay, respectively for the information and guidance of those Governments."—*Ibid, and Ibid.*

RULES FOR JOINING STATIONS.

4538. There shall be allowed to Officers appointed to any new Office the periods of one month, two months, or three months for joining, accordingly as the distance may not exceed 300 or 600 miles, or be in excess of the last mentioned distance. Officers not joining their stations within the said periods respectively, shall forfeit their salary for the time delayed in excess of those periods, and if such excess shall exceed one month, the Office shall be vacated, unless otherwise specially ordered by Government.—*Cov. Ab. rules chap.* 5, *sec.* 20, *C. P. M. W. P. paras.* 215 *and* 216.

Time allowed for joining new Office.

Same time allowed to Officers ordered on deputation.

4539. Officers ordered on deputation, unless otherwise specially directed or authorized, are to join the station within the time specified above (4538). The Officer is subject to the loss of all fixed allowances for the period of any excess.—*Order of Govt. India May* 4, 1834 *and Ibid*, 217.

To Junior Civil Servants declared qualified for the public service.

4540. In the case of Junior Civil Servants declared qualified for the public service, the period of one, two and three months, specified above (4538) includes thirty days, during which the Officer is allowed to remain in Calcutta after final examination, and reckons from date of being attached to the North Western Provinces.—*Govt. Ord. L. P. Oct.* 26, 1842 *and C. P. M. W. P.* 218.

To an Officer whose appointment is changed during leave of absence.

4541. An Officer, whose appointment is changed during leave of absence, will be allowed travelling time at the expiration of his leave, calculated by the distance from his old to his new station, provided the period added to his leave does not exceed the time authorized for absence with retention of appointment.—*Govt. Ord. W. P. July* 23, 1849 *and Ibid*, 219.

Rule for regulating joining time and travelling allowance in the case of Officers transferred while on leave.

4542. When an Officer is transferred from one station to another while absent on leave, he is entitled, unless he receives instructions to the contrary, to joining time in addition to the period of his leave, and such time as well as his travelling allowance, (if he is entitled to any under the rules) must be regulated by the distance from his old to his new Station, or from the place where he receives the order appointing him to his new station, whichever, in the case of joining time, is the nearest to his new station, and in the case of travelling allowance, is least expensive to Government.—*Letter from Secy. Govt. India to Civil Pay Master Madras No.* 3180, *April* 28, 1862.

Certificates of making over and assuming charge.

4543. An Officer removed from one station to another must submit certificates of the dates on which he makes over and assumes charge. No allowance will be passed by the Civil Pay Master without these certificates.—*C. P. M. W. P. para.* 220.

4544. The time allowed for joining an appointment is computed from the date of the order reaching the Officer appointed.—*Cov. Ab. Rules Note to sec.* 20 *and Ibid*, 221.

4545. Section XX. will not be interfered with, by the rule laid down for Clause 4, Section 6 (4456).—*Ord. Govt. India June* 27, 1856 *and Ibid*, 222.

If the journey be traversable by Rail or steamer.

4546. For the portion of the journey traversable by railway, 100 miles a day to be allowed and the same rate per steamer, or the time actually occupied in the voyage, when, by accident, the duration of the voyage exceeds the time calculated at the rate of 100 miles a day.—*Ibid, March* 30, 1861 *and Ibid*, 223.

Time to be allowed if part of the distance be traversable by Rail or steamer.

4547. Section XX. of the Civil Absentee Rules is still in force, and applicable to all cases where Railways or steamers are not available; but where such means of locomotion exist, the Rule to be observed is that laid down in the orders of the 30th March 1861. This rule applies where part of the distance is traversable by Rail or steamer eg. An Officer who is ordered to a station at a distance of 310 miles of which 100 are traversable by Rail will be entitled to 29 days joining time viz 14 days to prepare 1 day for the 100 miles traversed by Railway and 14 days for the remaining 210 miles. If an Officer be deputed to a distance of 100 miles all traversable by Rail he will get 15 days time viz. 14 days to prepare and one day to travel. This rule applies equally to covenanted and uncovenanted servants; but when an uncovenanted Officer is required in joining an appointment to perform a journey for which neither Railways nor steamers are available, his joining time will be regulated by Sec. 12 of the Absentee Rules of his own service.—*Letter from Secy. Govt. India to Civil Pay Master Calcutta No.* 704*G*, *Oct.* 7, 1862.

RULES FOR TRAVELLING ALLOWANCE.

TRAVELLING ALLOWANCE. To Civil Servants reported qualified for public service.

4548. Upon the first appointment of any Civil Servant, who shall be reported qualified for public service by the examiners appointed by the Government, to any civil station, there shall be allowed for travelling expenses to the station, an allowance at the rate of 8 annas per mile by the direct post road according to the Polymetrical Tables of the Post Office, (except where modified and corrected in communications received from Government or from the Post Master General,) the bill for which allowance will be passed by the Civil Pay Master after the Officer shall have joined the station; if required in advance, an order of the Government shall be necessary.—*Cov. Ab. Rules sec.* 21 *and C. P. M. W. P. para.* 224.

To secretaries &c. while on tour.

4549. Secretaries to Government and their Deputies or Assistants, to draw 250 rupees and 100 Rs. per mensem respectively as travelling allowance, while on a tour with the Governor General or Lieutenant Governor North Western Provinces.—*Govt. Res. July* 20 *and Sep.* 7, 1830 *and March* 18, 1835 *and Ibid*, 225.

4550. A Civil Officer appointed for the first time after return from furlough is not entitled to travelling allowance, even if directed to proceed by dâwk (vide 4563) as he holds no appointment at the time.—*Ord. Govt. India Feb.* 22, 1845 *and May* 30, 1856 *and C. P. M. W. P.* 226.

Not to be allowed on first appointment after return from furlough.

4551. An Officer however, returning from England who had not previously joined an appointment after being reported qualified for the public service, is entitled to travelling allowance.—*Govt. Ord. W. P. June* 26, 1855 *and Ibid*, 227.

To be allowed to certain Officers.

4552. Officers attending periodical examinations are entitled, to the usual travelling allowance from and to their respective stations, on the occasion of their proceeding to be examined.—*Ibid, June* 9, 1854 *and Ibid*, 228.

To Officers attending periodical examinations.

4553. Sessions Judges are authorized to draw travelling allowance for holding periodical Jail deliveries at out-stations after every second month; when the out stations are comparatively near, or elsewhere, after every quarter.—*C. O. Aug.* 2, 1854 *W. P. and Ibid*, 229.

To Sessions Judges holding Jail deliveries at out Stations

4554. Unpassed Civilians should be examined at the station at which they are resident and have no claim to travelling allowance for proceeding to another station on that account.—*Govt Ord. W. P. June* 23, 1855 *and Ibid*, 230.

Unpassed Civilians.

4555. Assistants specially ordered by a Magistrate and Collector, the reasons with which the Commissioner is satisfied, to proceed by dawk or by some rapid mode of travelling to distances, in excess of 10 miles from the Sudder Station, upon any occasion of pressing duty in the interior of a district, are authorized to draw travelling allowance at 8 annas a mile on account of such journey. Bills to be passed under the countersignature of the Commissioner.—*Ord. Govt. India Aug.* 14, 1855 *and Ibid*, 231.

To Assistants specially sent on duty in to the interior.

4556. The intention of this order (4555) was that travelling allowance was only, in any case, to be granted for the distance in excess of 10 miles from the Sudder Station.—*Govt. Ord. W. P.* 12*th Jany.* 1856. *and Ibid, note.*

For distance in excess of 10 miles.

4556½. But if an Officer on circuit is suddenly summoned from his camp to hold an enquiry, he has not the option, just as he would have if at the Sudder Station, of surrendering his daily allowance during such absence for the more lucrative one of a mileage allowance.—*Ord. Govt. India No.* 7970. *Dec*, 31, 1858.

Officer summoned from camp to hold an enquiry.

4556¾. The above rules are applicable to all Officers, covenanted and uncovenanted, who are entitled to travelling allowance at Rupees 5 per diem when travelling in their districts on duty.—*Ibid, No.* 39 *G. Dec* 16, 1862.

Whether covenanted or uncovenanted.

4557. If assistants should, occasionally, be held fairly entitled to some further consideration when deputed to inspect works which are being constructed by the Road and Ferry Fund Committees of Districts, an increased charge may, according to the circumstances of each case, be specially allowed under sanction of the Commissioner, but it will be correctly debitable to the funds from which the cost of the work to be inspected is defrayed.—*Ibid, July* 9, 1856 *and C. P. M. W. P.* 232.

To Assistants deputed to inspect works of Road and Ferry Fund Committees, to be debited to those funds

4558. Civil Servants sent to prosecute their studies at a Station in the interior, before being qualified for the public service, may, on arrival there, draw the usual travelling allowance at 8 annas a mile from Calcutta to the Station; and after being reported qualified for the public service, he may draw a like travelling allowance for the distance from the station at which he prosecuted his studies to the Station to which he may be appointed. A Civil Servant, who before being qualified for the public service, is permitted at his own request, to prosecute his studies at a station in the interior, will draw no travelling allowance there, but after being reported qualified for the public service, may draw the usual allowance for the distance from Calcutta to the station to which he may be appointed.—*Ord. Govt. India Oct.* 2, 1856. *and C. P. M. W. P.* 233 *and* 234.

To Civil Servant sent to prosecute his studies in the interior &c.

4559. Members of the Sudder Board of Revenue and Judges of the Sudder Court, when proceeding on duty into the interior, are to get no deputation allowance in future, but only their actual travelling charges paid by Government.—*Ibid, June* 19*th*, 1857, *and Ibid*, 235.

To members of Sudder Board and Judges of Sudder Court.

4560. Travelling allowance at the usual rate of 8 annas per mile, to be drawn by all Covenanted Civil Servants when transferred from one substantive appointment to another on the public service, but not by those who are removed from one place to another on promotion, or at their own

To covenanted servants when transferred from one appointment to another.

request. Officers submitting Bills in such cases are to submit a certificate from the authority making the appointment that the transfer is for the benefit of the public service irrespective of the wishes of the Officer trasferred to admit of audit on presentation.—*Govt. Ord. India, Sep.* 10*th*, 1858, *and No.* 4792, *July* 14*th*, 1862 *and C. P. M. W. P.* 236.

To Officers travelling by Rail.

4561. Officers proceeding by Railway on the public service are entitled, for such distance, to travelling allowance at 3 annas per mile.—*Govt. Order W. P. Aug.* 26*th*, 1859 *and Ibid*, 237.

To Officers deputed to act at other stations or on special duty.

4562. Civil Servants, if deputed to act at a distance from the stations where they are employed, or if ordered by Government on special duty, shall be permitted to draw travelling allowance at the rate sanctioned in the case of a first appointment —*Cov. Ab. rules, sec* 28 *and Ibid*, 238.

To Officers directed to proceed by dak.

4563. When an Officer is directed to join his appointment by dak, and certifies that he has so joined, he is entitled to travelling allowance not exceeding eight annas per mile.—*Govt. Order March* 24*th*, 1843, *and Ibid*, 239.

To Officers deputed while leave.

4564. An Officer deputed to act in an appointment while on leave of absence, is entitled to travelling allowance; distance to be computed from the substantive station of the person deputed, or from the place where he receives the order, whichever may be the least expensive to Government.—*Order Govt. India Augt.* 12*th*, 1853, *and Ibid*, 240.

RULES FOR TENTAGE ALLOWANCE.

TENTAGE ALLOWANCE. To be allowed to Officers drawing less than Rupees 23,000 a year.

4565. Whenever the salary or other allowances of an Officer amount in the aggregate to less than Rupees 23,000 per annum, he is entitled to Rupees 5 per diem as Tentage allowance, whilst actually employed in tents at a distance from his station, or so much within that allowance, as may make his total receipts equal to that sum. The bill to be countersigned by the Commissioner in the following form. Certified that Mr. was employed on the public service in the interior; under canvas, during the period specified in this Bill.—*Govt. Ord.* 30 *Janury*, 1840 *and C. O. C. P. M. Feb.* 18, 1841 *and C P. M. W. P para* 211.

Not to be allowed to political Officers.

4566. The consolidated allowances of political Officers are intended to cover all expenses of a personal nature incidental to such Officer when marching about the country. If circumstances arise which give a fair claim to special remuneration, the same to be referred for the consideration of Government, and this rule is to be held applicable to all grades of Political Officers.—*Ord. Govt. India Oct.* 17, 1851 *W. P. May* 11, 1845 *and Ibid*, 242.

To be allowed to Officers attending examinations.

4567. Officers attending the periodical examinations are entitled to Tentage allowance, on the prescribed certificate, that, for the term specified, they were under canvas.—*Govt. Ord. W. P. Jan.* 10 1855 *and Ibid*, 243.

Bills for travelling and tentage allowance to be countersigned by Commissioner.

4568. An Officer in Civil employ, who may, under existing Rule, be entitled to Travelling (Tentage) allowance while engaged on duty in the interior of his District, shall obtain the countersignature of the Commissioner of the Division, or of the Resident, Agent or other Officer under whose Superintendence the District to which the said Officer is attached may be placed, to his bill for such allowance previously to submitting it to the Civil Pay Master for audit.—*Ord. Govt. India, Feby.* 10, 1860 *and Ibid*, 244.

RULES FOR PAY AND ALLOWANCES.

From what date salary of Office is payable.

4569 The salary of Office will be payable from the date of the Officer joining. In the case of Junior Civil Servants, the salary of assistants will be payable from the date of their being reported qualified for the public service; unless forfeited under Rule XXI (4548) through delay in joining the station to which they may be appointed.—*Cov. Ab. rules, sec* 22 *and C P. M W. P. paras* 245, *and* 246.

4570. The allowance of two appointments is not to be drawn at the same time by one Officer, Agent to the Lieutenant-Governor excepted. The salary of an Office cannot be issued to two persons for the same period.—*Ord. Govt. India Sep.* 29, 1841 *and Ibid*, 247 *and* 248.

Date up to which salary is to be allowed to Officer dying or resigning.

4571. In case of lapse the certified representatives of a deceased Officer are entitled to his salary, up to date inclusive, of decease. But a retired Officer is entitled to his salary only up to the day previous to his resignation.—*C. P. M. W. P. para.* 249.

4572. Allowance is audited payable at the Station where the Officer is on duty or on leave.—*Gov. Ord. Aug.* 14 1839, *and Ibid*, 250.

Subsistence allowance to covenanted Civil Servants.

4573. Subsistence allowance is issuable in the local currency in the North Western Provinces; at Calcutta in the sicca value converted in sonats at 4½ per cent. The following is the scale of subsistence allowance in the North Western Provinces.

I, II, III, Class, above 12 years Standing Rs.	...	...	..	325	0	2
IV, Ditto under 12	...	...	..	..	..	..	244	2	11
V, and VI Ditto under 8	..	..	...	..	..	...	162	12	7

Ord. Gov. India June 16, 1829, *and C. O. Bengal Civil Auditor April* 1, 1842 *and Ibid*, 251.

To be drawn when out of employ.

4574. Civil Servants when out of employ to draw subsistence allowance, calculated with reference to their "actual residence in India" in Her Majesty's Indian service allowing however time passed in the Haileybury College, as provided for in the Act of the 47th George 3rd chapter 68.—*Ibid, Nov.* 15 1831, *and Ibid, Feby.* 18, 1853 *and Ibid*, 252

4575. Compensation allowance, to incumbents of Offices especially abolished, is determined by Government.—*Ibid, Feb.* 23, 1854 *and C. P. M. W. P* 253.

Allowance to young Civil Servants

4576. A Student, on first joining the college of Fort William, is entitled to Rupees 250 per mensem until declared qualified for the public service in one of the native languages, the allowance is then raised to Rupees 300 per month, Rupees 80 being allowed for house rent in both cases.—*Ibid, Oct.* 26, 1844 *and Ibid*, 255.

Failure to pass within 18 months involves removal from service.

4577. A Civil Servant who fails to pass the test in two languages within eighteen months from the date of his instiatory examination (allowance being made for duly certified sickness,) will, on the expiration of that period, be finally removed from the service.—*Ibid, Jan.* 24, 1854 *and Ibid*, 256.

Allowance of Civil Servants after passing in two languages studying for higher proficiency.

4578. A Student declared qualified for the public service by proficiency in two native languages, but permitted to remain attached to the college for the purpose of attaining higher proficiency, is allowed the salary of rupees 400 per month. The allowance for house rent ceases, in such cases.—*Ibid, Oct.* 26, 1844 *and Ibid*, 257.

Date from which allowance is to be drawn by students permitted to proceed to N. W. P via Bombay

4579. Students permitted to proceed to the North Western Provinces, via Bombay, are entitled to their allowance from the date they report themselves at the first Civil Station, subject to the jurisdiction of the Lieutenant Governor. Period of drawing allowances restricted to time allowed for qualification.—*Ibid, Dec.* 30*th*, 1840 *and Ibid*, 258.

Allowance to students in the Provinces.

4580. If residing in the Provinces, the student's allowance is rupees 250, or rupees 300, as the case may be, exclusive of rupees 40 per month for bonafide house rent, and rupees 30 per month for a Moonshee.—*Ibid, Oct.* 26, 1844, *and July* 8, 1854, *and Ibid*, 259 *and* 260.

Salary of Assistants with full powers.

4581. Assistants vested with full powers to draw a substantive salary of 500 rupees per mensem (instead of as at present, 400 salary and 100 extra allowance) in addition to deputation allowance when Officiating in a higher grade.—*Govt. Ord. L. P. Aug.* 19, 1853, *W. P. Feb.* 24, 1854 *and Ibid*, 261.

Two grades of Joint Magistrates.

4582. Joint Magistrates and Deputy Collectors are of two grades; the first, limited to twenty in number, draws rupees 1,000 per mensem. The second grade, not to exceed nine in number, are entitled to rupees 700 per mensem. The allowance commences from the date of assuming charge in the latter, and of vacancy in the former grade.—*Gov. Ord. W. P. June* 2, 1845 *and May* 10, 1858 *and Ibid*, 262.

To be posted to stations without regard to the grade in which the Officer may stand.

4583. The appointments of Joint Magistrates and Deputy Collectors will be made to one or other of the two grades generally, the posting to particular stations will be according to public urgency and convenience, without regard to the grade in which the Officer may stand. The appointments in the higher grade will continue to be limited to their present number.—*Ibid, March* 28*th*, 1855, *and Ibid*, 263

Date from which allowance commences.

4584. Civil Servants not previously holding any permanent Office are entitled to the allowance of their appointment from the date of the Notification, unless the time for joining, as prescribed in para 4538 be exceeded.—*Ibid, July* 15*th*, 1841 *and Ibid*, 264.

Date from which relieving Officer

4585. Arrival on a Sunday entitles the relieving Officer to the salary of his appointment for that day, but on other days presence at the station before the expiry of the usual hours for transacting

to draw his allowances.

Civilian of one Presidency doing duty in another may draw his salary at the station where he is residing.

Rule regarding allowance of civilians exchanging with those of or transferred to another Presidency division of Presidency.

Travelling allowance to Officer in charge of commissioner's Office.

Special rule respecting Judge of Saugor.

Date from which Officer entitled to reckon his return from leave from date of arrival at Bombay to draw his pay.

Salary of newly appointed Assistants in Oude, Punjaub, &c.

Officer transferred from one Presidency to another.

Appointments made after this date to be subject to such reductions as will be hereafter ordered.

Reduction of salary not to have retrospective effect. Date from which it is to take effect.

Passed civilian holding no substantive appointment going on leave to England.

business, is necessary to enable him to draw the current day's allowance, the officiating Officer having done the day's work.—*Govt. Order W. P. Nov.* 2, 1846, *and C. P. M. W. P.* 265.

4586. A Civilian attached to one presidency and doing duty in another may draw, where residing, the salary of his substantive appointment; sanction of his Government and last pay certificate being obtained the Civil Pay Master may pass the bill payable at the Treasury where the civilian resides, made chargeable by transfer to his own Presidency.—*Ord. Govt. India May* 17, 1837, *and Ibid*, 266.

4587. An Officer transferred from one Presidency to another, last pay certificate to be furnished before the audit of his first salary Bill.—*Govt. Ord. W. P. April* 30, 1858 *and Ibid*, 267.

4588. If an Officer of one division of the Presidency be permitted to exchange his appointment with an Officer of the other, they are mutually entitled only to the substantive allowance of their rank while in transit. A transfer from one division of the Bengal Presidency to another, is not considered effected until such time as the Officer is permanently appointed. In the mean time, the allowance of his appointment is drawn in the division he is about to leave, and the deputation allowance, if any, in the division to which he has proceeded. Assistants drawing an equal allowance if transferred from one division to another, are considered as transferred permanently, and draw from the date of transfer their allowance in the division in which they are employed.—*Ord. Govt. India June* 24, 1840. *C. P. M. W. P, paras* 268-270.

4589. Assistant Commissioners in the Punjab, once transferred from one district to another, to be considered as permanently transferred.—*C. O. Chief Com. Punjab March* 22, 1854 *and Ibid*, 271.

4590. The fixed travelling allowance to Commissioners of Revenue and Police Rupees 250, is drawn by the Officer in charge.—*Gov. Rs. Aug.* 31, 1839 *and Ibid*, 272.

4591. But the foregoing rule is not applicable to the fixed Travelling allowance of the Judge of Saugor when the Commissioner (who also draws Travelling allowance) has charge of the Judge's Office in addition to his own.—*Govt. Order W. P. Nov.* 28, 1851 *and Ibid*, 273.

4592. An Officer out of employ having a right to reckon his return from leave from the date of his arrival at Bombay, the nearest port of debarkation, is entitled to draw full pay from the date from which he is appointed (with retrospective effect without referrence to the date of the order) provided he takes charge of the Office within the period allowed by Government.—*Order Govt. India May* 16, 1856, *and Ibid*, 274.

4593. The salary of Officers on their first appointment to the Punjaub or Oudh as Assistant, shall be Rupees 400, per mensem, and the same rule will apply to future appointments of Junior Assistants in Saugor, Kummaon and Ajmere, and of Assistant under the Superintendent of Neemuch.—*Ibid, Dec.* 22, 1856 *and Ibid*, 275.

4594. An Officer whose services have been transferred from one Presidency to another, is entitled to draw his pay from his old appointment, until he is provided with a new substantive appointment.—*Ibid, Dec.* 31, 1858, *and Ibid*, 276.

4595. The salaries of all civil appointments made after the date of this notification, will be held to be subject to such reductions as may be determined upon by the Government of India, provisionally; and permanently, to such reductions as shall be ordered by the Secretary of State for India.—*Ibid, April*, 30*th*, 1859, *and Ibid*, 278.

4596. Reductions of salary with reference to the preceding article, not intended to have retrospective effect. When ordered by the Secretary of State for India, they will take effect from the date of the receipt of the orders by Government of India, and when ordered by the Government from the date of the orders.—*bid, June*, 17*th*, 1859, *and bid*, 279.

4597. An Officer who is to succeed to the appointment, about to be vacated by an Officer intending to resign the service, will draw the full salary of Office from date of embarkation.—*Ibid, June* 3*rd*, 1859, *and Ibid*, 280.

4598. A passed Civilian holding no substantive appointment, proceeding on leave to England is entitled only to the subsistence allowance of his rank from the date of his return to India, to that of his attachment to the N. W. P.—*Ibid, June* 17*th*, 1859, *and Ibid*, 281.

4599 The grant to Officers displaced by the abolition or the consolidation with others of the Offices they held (under the late Court's orders 28 August 1844) of such portion of former salary to an extent not exceeding two-thirds of its amount, not to be held applicable to Offices sanctioned only for a limited term,—*Ibid, July* 22, 1859 *and Ibid*, 282.

4600. The provision, in Clause 57, article 33, George III, that no Office, the salary and emoluments whereof shall exceed 500 £ per annum, shall be conferred on or granted to any Civil Servant who shall not have been actually resident in India as a Covenanted servant for the space of three years at least, made applicable to Civilians appointed under the new system of competitive examination. These orders also affect assistants exercising full powers, who have not resided in the country three years. (Counting the two years spent at Haileybury, as residence).—*Ibid, March* 17, 1860 *Feby.* 27, 1861 *and Ibid*, 283.

Civilian not to draw more than £500 per annum till he has been three years in India.

4601. The rule of 16th June 1841 under which a Civilian on the Out-of-Employ List or after return from Furlough, is entitled to salary from the date of appointment, provided that he does not come under forfeiture by exceeding the time for joining, has not been superseded by Section XXII.—*Ibid, April* 12, 1860 *and, Ibid*, 284.

4602. An Officer on privilege leave, who is promoted, and his appointment changed, but ordered to continue to act from whence he proceeded on leave, is allowed the higher salary from the date of the order, as a special case.—*Ibid, May* 19, 1860 *and Ibid*, 285.

Officer promoted while on privilege leave &c.

4603 A new form of certificate to be furnished by Secretary of State for India on the return of Officers from leave, which will contain, besides a specification of the dates and rate of payment, a note of the total amount paid in England. The whole sum would then be readjusted in India, on a calculation of the allowances due for each month of absence.—*Ibid, Aug.* 8, 1860. *and Ibid*, 286.

Form of certificate on return of officers from leave.

4604. In case of a change of Office when an Officer is appointed to a higher situation, he shall not draw the higher salary until he joins. For the period occupied in travelling, the Rule Number XX. (4538) regulating the time and distance for joining station, shall be applicable, and the Officer will for the periods allowed in that Rule respectively, draw out of the salary of the Office he is about to join, a sum equal to that of his previous situation.—*Cov. Ab. Rules sec.* 23, *and Ibid*, 287-288.

Allowance of higher Office not to be drawn till date of joining.

4605. An Officer who has been promoted to a higher grade but directed to continue to Officiate in another appointment for the convenience of the public service, is entitled to the increased salary from the date of the order so appointing him, based upon Clause 10, Section XXV. of the Rules (4616.) An Officer promoted and who may be prevented joining his new appointment in consequence of the non arrival of his successor, shall not be entitled to draw the salary of his new appointment until he joins such appointment, unless by specific orders of Government or other circumstances, he is placed beyond the ordinary operation of the Civil Rules, under which certain fixed periods (independent of any kind of leave, whether privilege, private affairs, or on medical certificate) are allowed for joining an appointment. If in any case an Officer is placed beyond the bearing of the Rules, the precise circumstances to be specially reported for orders —*Ord. Govt. India Feb.* 2, 1860 *and Ibid*, 289 *and* 290.

Allowances of Officer promoted to a higher grade but directed to continue to officiate in another appointment or who may be prevented to join his new appointment owing to non arrival of his successor.

RULES FOR DEPUTATION ALLOWANCES.

4606. The sum of Rupees 52, 200 per annum having been fixed as the maximum salary of Civil Office, for the Officers of Government under the situation of Member of Council, civil servants who may draw larger allowances than this annual sum, as a consolidated personal and sumptuary allowance, in consideration of the necessary expenses of their position, will in all cases of absence, be treated in respect to deductions as drawing only the allowance thus limited and the excess above the monthly salary yielded by that annual sum, shall remain as a local addition to the usual Deputation allowances to be drawn by the Officer performing the duties, to meet the necessary expenses of his position; provided, however that in the cases of civil servants appointed to Offices of the description referred to subsequent to 2nd June 1854, the sum of Rupees 50,000 shall be held to be the maximum salary, under the Government Resolution Number 563 of that date.—*Cov. Ab. Rules chap.* 6 *sec.* 21, *and P. M. W. P. para.* 292.

Deputation allowance of an Officer Officiating in an appointment of which the salary is more than 50,000 rupees per annum.

Deputation allowance to temporary incumbents.

4607. Deputation allowance shall be granted to Civil Servants temporarily performing the duties of an Office according to the following rates, and subject to the limitations and conditions hereinafter laid down.—*Gov. Ab. Rules. sec.* 25 *para.* 1 *and C. P. M. W. P.* 293.

If officer do not hold any substantive post.

4608. To Civil Servants not holding any substantive appointment, at the rate of 50 per cent, on the monthly salary of the appointment officiated in, such Deputation allowance being in addition to the subsistence allowance of their respective ranks.—*Ibid, para.* 2, *and Ibid,* 294.

If Officer holds an Office of inferior emoluments.

Of which the monthly salary is not more than Rs. 2000.

If monthly salary exceed Rupees 2000.

4609. To Civil Servants holding an Office of inferior emolument, when officiating in an Office of superior emolument, at the rate of 20 per cent. upon the monthly salary of the appointment officiated in, in all cases in which the salary of such appointment shall not exceed rupees 2,000 per mensem. In respect to all appointments of which the salary shall be more than Rupees 2,000 per mensem, at the rate of 20 per cent, upon rupees 2,000 and of 10 per cent. on the amount in which the monthly salary may exceed Rupees 2,000. This Rule provides that there shall be no lower rate of Deputation allowance than Rupees 200 per mensem.—*Ibid, para.* 3, *and, Ibid.* 295-297.

4610. The Deputation allowance shall in all cases be in addition to the salary of the substantive appointment held by the Officer on Deputation.—*Ibid, para.* 4, *and, Ibid,* 298.

4611. The above rates are granted provisionally, subject to future revision.—*Ibid, para.* 5, *and Ibid,* 299.

If appointment be by classes.

4612. In the Punjab, Nagpore and other places, where appointments are by classes, the amount of Deputation allowances, payable at the above rates, will be calculated, not upon the salary of the individual Officer holding the substantive appointment in which the Officer deputed be temporarily officiating, but on the average rate of salary attached to the particular class to which the appointment may belong.—*Ibid, para.* 6 *and Ibid,* 300

Person acting not to have any claim, to commission, fees, &c.

4613. A Civil Servant acting for another shall have no claim to commission or fees where any such sources of emolument exist. These shall be regarded as forming part of the Income of the Officer to be relieved subject to the prescribed deductions.—*Ibid, para.* 7, *and Ibid,* 301.

4614. A Civil Servant acting in an appointment, the salary of which is to be reduced on the retirement of the present incumbent, will draw Deputation allowance on the reduced salary.—*Ibid, para,* 8, *and Ibid,* 302.

Acting in more than one appointment

4615. An Officer officiating in more than one appointment will be entitled to Deputation allowance, regulated by the aggregate amount of the salary of the Offices.—*Ibid, para,* 9 *and Ibid,* 303.

Officer appointed to a higher situation but Officiating in a post of still higher emoluments.

4616. An Officer appointed permanently to a higher situation, but prevented from joining his appointment by an order of Government, and detained to officiate in a situation of still higher emolument than the one to which he has been permanently appointed, will be entitled to a Deputation allowance in addition to the higher salary to which he has been promoted.—*Ibid, para.* 10 *and Ibid,* 304.

4617. Deputation allowance is restricted to actual charge.—*Govt. Order. W. P. Aug.* 17*th,* 1842, *and, Ibid,* 305.

4618. An acting Officer is not entitled to allowance for the day, if the releiving Officer returns on a holiday.—*Ibid, Nov.* 2, 1846 *and Ibid,* 306.

4619. Officers attached to one division of the Bengal Presidency are not eligible for deputation in another, except under special circumstances to be sanctioned by the Government of India.—*Ord. Govt, India June* 24, 1840 *and Ibid,* 307.

4620. A Civil Servant holding no permanent appointment, and in the receipt of Compensation allowance for an Office specially abolished, is not entitled to Deputation allowance.—*G. O. Aug.* 20, 1845 *and Ibid,* 308.

Joint Magistrates drawing rupees 700 per month Officiating in the higher grade. Exception

4621. Joint Magistrates and Deputy Collectors drawing Rupees 700 per month are not entitled to Deputation allowance when Officiating in the higher grade. But this rule does not extend to Officiating independent Joint Magistrates and Deputy Collectors, such as Rohtuk Etah and Puttiala.—*Govt. Ord. W. P. March* 23, 1846 *and Sept.* 18, 1858 *and Ibid,* 309.

4622. Officers required to leave their Districts to attend the periodical examinations, may continue to draw Deputation allowance if they have only made over charge of the current duties of their Office to a subordinate, but not if a separate Officer has been appointed to Officiate for them —*Ibid, Jany* 10, 1855 *and C. P M W P.* 310 Officers attending periodical examinations

4623 Clause 6, Section 25 (4612) applies to Civil Servants only. In the Saugor and Nerbudda Territories a special salary is attached to each appointment, and which will therefore regulate the Deputation allowance.—*Ibid, Jany* 17, 1855 *and Ibid*, 311. cl 6 sec 25 of Ab Rules applies to covenanted Officers only.

4624. The average salary of the three grades of Deputy Commissioners in the Punjab, being Rupees 1283 5·4 the Deputation allowance at 20 per cent. thereon will amount to Rupees 256·10 8 per mensem.—*Ord. Govt. India Nov.* 13, 1855 *and Ibid*, 312. Deputation allowance to Deputy Commissioners in Punjab.

4625. Officers nominated to take charge of the current duties of the Office of Civil and Sessions Judge, are entitled to a moiety of the established Deputation allowance granted to persons Officiating with the charge of the entire duties of the Office.—*Ibid, March* 31, 1834 *and Ibid* 313. To Officers in charge of Judge's Office.

4626 An Officer appointed to the charge of the current duties of the Office of Commissioner of a Division, is entitled under the preceding article to a moiety of the established Deputation Allowance —*Govt. Order W. P. April* 26*th*, 1854, *and Ibid*, 314. Of Commissioner's Office

4627. The Commissioner of Kumaon was appointed to officiate as Sessions Judge only of Mooradabad (the Principal Sudder Ameen having charge of the current duties of the Judge's Office) and authorized to draw the remaining moiety of the Deputation allowance undrawn —*Ibid, June* 16*th*, 1855, *and Ibid*, 315. If Officer only Officiates Sessions Judge

4628. A Civil Servant performing the entire Revenue and Criminal duties of a Zillah, the Magistrate and Collector being otherwise employed, though within his District, is entitled to Deputation allowance on the salary of the appointment —*Ibid, January* 20*th*, 1840, *and Ibid*, 316. Civilian performing the entire revenue and criminal duties of a Zillah.

4629. Officers in charge of the current duties of an Office, are to receive a moiety of the sum which is the regulated allowance for officiating in the appointment, provided it does not raise the total receipts of the Officer, beyond the salary of the higher Officer —*Ibid, Sep.* 8*th*, 1855, *and Ibid*, 317. Officer in charge only of current duties of an Office

4630. Officers employed on settlement work are authorized to draw the following scale of special Deputation allowance, but they are not to expect promotion in any other Department of the service until they have completed their task. Allowance to Officers employed on settlement work.

To an Assistant without full powers, whose salary is rupees 400 a month, an allowance of Rupees 50

To an Assistant with powers, whose salary is Rupees 500, an allowance of Rupees 100.

To a Joint Magistrate of the 2nd Grade, whose salary is Rupees 700, an allowance of Rupees 100.

To a Joint Magistrate of the 1st Grade, whose salary is Rupees 1,000, an allowance of Rupees 200.—*Order Govt. India, March* 31*st*, 1860, *and Ibid*, 318.

4631. An Officer absent on privilege leave is clearly not entitled to acting allowances, such being payable only for the period during which he is in the actual performance of duty —*Ibid, May* 19*th*, 1860 *and Ibid*, 319. Officer absent on privilege leave

4632 Claim to increased deputation allowance for the period the duties of more than one Office was performed, founded on Financial Resolution No. 2492, dated 16th March 1860, rejected, as it did not apply to cases of Covenanted Civilians.—*Ibid, June* 28, 1860 *and Ibid*, 320. If duties of more than one Office be performed

4633. Assistants with full powers when appointed to Officiate as Joint Magistrates and Deputy Colectors in a temporary vacancy and a temporary deficiency in the whole complement, are to draw Deputation allowance.—*Govt. Ord. W. P. June* 29, 1860 *and Ibid*, 321, Assistants with full powers officiating as joint Magistrate &c

4634. With reference to the preceding para. when any Joint Magistrate ceases to Officiate as Magistrate, or returns from leave, the Civil Pay Master will strike off from the list of officiating Joint Magistrates, the lowest Assistant in the order in which they were promoted.—*Ibid, May* 6, 1861, *and Ibid* 322.

4635. No Civil Servant, temporarily officiating for another, shall draw an amount larger than the entire emoluments of the office in which he is officiating, and if the amount of the Deputation allowance, according to prescribed scale, added to the permanent emoluments, of the officiating servant, would No civilian to draw a larger amount than the emoluments of

the Office in which he Officiates. Exception.

exceed the emoluments in which he is temporarily acting, the excess shall not be drawn. The above provisions will not apply to the case of any Officer deputed for special reasons to act in an Office of inferior emolument to his own. In cases where an Officer holding two appointments, on being deputed to Officiate for another, shall be relieved only from one, he shall receive no deputation allowance, unless the emoluments of the Office in which he is deputed to act exceed the united emoluments of his permanent appointments, and in that case the deputation allowace shall be limited to the difference.—*Cov. Ab. Rules sec.* 26 *and C. P. M. W. P.* 327-329.

Deputation allowance if Officer acts at one and the same time in more than one appointment.

4636. The Deputation allowance of an Officer acting at one and the same time in more than one appointment, is calculated at the ra te of 20 and 10 per cent. on the aggregate amount of the salaries of the two appointments, provided the Deputation allowance when added to the substantive salary of the acting Officer, does not exceed the emoluments of the higher Officer in which he Officiates.—*Ord. Govt. India Aug.* 9, 1854 *and Ibid*, 330.

If Officer Officiates in an inferior Office.

4637. It has been decided by the Governor General in Council that, as the appointment in which Mr. M. Officiated, was inferior to his permanent Office, he has no claim to Deputation allowance.—*Ibid, April* 3, 1861 *and Ibid*, 331.

Subordinate acting for senior not to draw deputation allowance till after expiry of one month.

4638. No subordinate Officer, acting for his principal, or for any other person holding a superior appointment in the same Office or establishment, at the same station, shall be entitled to any Deputation allowance until after the expiration of one month, and then the allowance is not to be drawn in arrear. But a servant previously out of employment, or who may be deputed to act from a different station, shall be entitled to deputation allowance from the date at which he may enter upon the discharge of the duties to which he has been temporarily appointed.—*Cov. Ab. Rules, sec.* 27, *and C. P. M.* 332 *and* 333.

4639. The above rule is made applicable to Officers in the Punjaub.—*Ord. Govt. India Dec.* 31, 1856 *and Ibid*, 334.

Subordinate acting in an appointment on two occasions within a brief period.

4640. A subordinate Officer who has acted in any appointment on two occasions within a brief period, (say 12 months) is permitted to draw acting allowance for any period during which he may have held the Officiating appointment in excess of one month, just in the same manner as he would have done, had he acted uninterruptedly.—*Ibid, June* 3, 1859 *and Ibid*, 336.

4641. A subordinate Officer acting in a superior appointment taking privilege leave after the first month, the next Officer who is also a subordinate required to act for another month again without an Officiating allowance, as the provisions of Section XXVII. of the Covenanted Civil Absentee Rules, refer not to a superior Officer, but to a superior Office in the same station, and therefore no subordinate is entitled to draw any acting allowance until he himself has acted for one month.—*Ibid, April* 21, 1860 *and Ibid*, 337.

Covenanted Officer acting for an uncovenanted.

4642. When Covenanted Officers officiate for uncovenanted Officers, the Deputation allowance will be regulated according to the principle laid down in chapter VI, Sections 25, 26 and 27 of the Covenanted Civil Absentee Rules.—(4606-4610,4635 *and* 4638) *Ibid, Oct.* 5, 1860 *and Ibid*, 338.

RULES FOR LIMITING THE PERIOD OF SERVICE.

After 35 years' service no Civil servant to be appointed or to retain an Office which he has held more than 5 years.

4643. After 35 years' service no Civil servant shall be appointed to any new Office, nor be permitted to retain an Office, which he has held for a period of 5 years, and upwards, except in special cases, which are to be referred for the decision of the Honorable the Secretary of State for India. The above Rule will be applicable to every Civil Servant appointed to Office after its promulgation, and to the case of every other Civil servant to whom it relates at the close of 5 years from 25 August 1854.—*Cov. Ab. Rules, chap.* 7, *sec.* 29 *and C. P. M. W. P. paras.* 339 *and* 340.

Commencement of period of service.

4644. The period of service mentioned in Section 29, to commence from the date of arrival of the servant in India.—*Ord. Govt. India Feb.* 28, 1856 *and Ibid*, 341.

Date from which annuity of Member of Council commences.

4645. The annuity of a Member of Council allowed to commence from the day on which his term of service as Councillor expires, instead of from the 1st May preceding. Civil servants required to leave the service at any time between the 1st May in one year and the 1st May in the next, will be allowed

to retain their appointments until the 1st May following the date on which their period of service may expire.—*Ibid, Jany.* 15, 1858 *and Ibid*, 342 *and* 343.

RULES FOR THE GRANT OF LEAVE OF ABSENCE TO LAW OFFICERS.

4646. Law Officers of Her Majesty's Government in India may obtain sick leave and short leave on private affairs under the conditions prescribed in the case of civil servants, both as respects the period of absence and the limitation of allowances during such absence. Leave will however only be granted at the convinience of the Government, and no additional expense will on any consideration be incurred by the Government on account thereof. If any Law Officer shall quit his duty, save on leave under Medical certificate, or on short leave on private affairs, he shall be considered to have vacated his appointment.—*Cov. Ab. rules, chap.* 8, *sec.* 30 *and C. P. M. W. P. paras.* 344-346.

Leave of absence and absentee allowance to Law Officers

4647. The foregoing Rules made applicable to the Administrators General at the three Presidencies. —*Ord. Govt. India Nov.* 13, 1855 *and Ibid*, 347.

SECTION V.

OF COVENANTED OFFICERS.—ENQUIRY INTO THEIR OFFICIAL CONDUCT AND MISCELLANEOUS RULES.

4648. The whole of the Officers of Government, employed in the Judicial Department, civil or criminal, are prohibited, under pain of dismissal from Office, from employing directly or indirectly, their private servants of whatever description, or any other persons not being public Officers duly appointed or nominated in conformity with the rules inforce relative to such appointments, in the discharge of any part of their public duties, or in the execution of any public duty, in which the person so employed has not been duly authorized to act.*—*Reg. V.* 1825, *sec.* 2, *cl.* 1.

Officers are prohibited from employing their private servants in the execution of any public duty.

4649. The whole of the judicial Officers are, in like manner and under the same penalty, prohibited from employing any of the public Officers on their establishments (not being peons, or other inferior servants, in personal attendance upon a Judge, Magistrate, or other Officer of Government in the Judicial Department) in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.—*Ibid, cl.* 2.

And from employing public Officers (not being peons) in the execution of their private business.

4650. The Session Judges, and Magistrates, and their assistants or other Officers being covenanted servants of the Government, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, or dependant Zumeendar, or under farmer, or ryot, or their sureties; and all loans made in opposition to this prohibition are declared irrecoverable in any Court of Judicature.—*Beng. Reg. XXXVIIII.* 1793, *sec.* 2; *Beng. Reg. XIILV.* 1795, *sec.* 2, *Ced. Prov. Reg. XX.* 1803, *sec.* 2.

Covenanted Officers are not to lend money to land holders.

4651. All covenanted Civil Servants, in whatever department of the public service they may be employed, are prohibited, under pain of dismissal from Office, from borrowing money from, or in any way incurring debt to, any native Officer under their authority, or under the authority of any of their subordinate functionaries, or from or to the known surety, agent, relation, connection, or dependant of any such native Officer, or from or to any person of whom such native Officer may be known to be or to have been the servant, agent, surety, or dependant.—*Reg. VII.* 1823, *sec.* 2, *cl.* 1.

Or to incur debt to any native Officer under their authority or to any one personally connected with such Officer.

* These does not apply to copies made for the use of private individuals.

Or to any person officially accountable to them.

4652. In like manner and under the like penalty, all Officers of Government, being covenanted Civil Servants, are prohibited from borrowing from, or in any way incurring debt to, any manager, guardian, executor, ameen, sezawal, gomashtah, farmer, mutawolli; or other person who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection, or dependant of such person.—*Reg. VII.* 1823, *sec.* 2, *cl.* 2.

Or to any person residing in or having property within their districts.

4653. All Judges, Magistrates, and Assistants to Magistrates, are prohibited, under pain of dismissal from Office, from borrowing money from, or in any way incurring debt to, any Zemeendar, talookdar, ryot, or other person possessing real property, or residing in or having a commercial establishment within the city, district, or division, to which their authority extends.—*Ibid*, *sec.* 3.

No money is to be lent to such Officers contrary to the above rules under pain of a certain penalty.

4654. All persons are prohibited from lending money, or otherwise becoming in any way creditor to any Officer of Government, being a covenanted Civil Servant, in contravention of the above rules; and any person lending money, or in any way becoming creditor, to any such public Officer in breach of this prohibition, is to forfeit to government a sum equal to the amount for which he has so illegally become creditor.—*Ibid*, *sec.* 4.

Officers receiving new appointments if indebted to any individual contrary to the above rules to report.

4655. If any covenanted servant, who may be hereafter appointed to any Office, shall at the time of such appointment be indebted to any person with whom it would be illegal for him to contract a loan, while holding such Office, it shall be incumbent on such servant, before entering on the duties of such Office, to make known the circumstance to Government; and failing to do so, he is to be subject to the same penalty, as if the debt had been contracted subsequently to his being appointed to the said Office.—*Ibid*, *sec.* 6.

No person being a creditor of any Officer is to be appointed to any Official situation on his establishment Precautions to be taken against such appointments.

4656. No person being a creditor of any Judge or Magistrate is to be appointed to any official situation on the establishment of the person whose creditor he is. It is consequently the duty of the superior authorities, on receiving the prescribed reports, to satisfy themselves fully that the natives, recommended to fill any vacancies on the establishments of the European Officers acting under their control respectively, are not the creditors of the latter. With this view it is the duty of such authorities to make full enquiries on the subject, not only from the Officers from whom such reports are received, but through such other channels as are necessary to guard against any infringement or evasion of these provisions.—*Reg. XXI.* 1814, *sec.* 2.

This rule applicable equally to the relatives and dependants of such creditors.

4657. The rules contained in the preceding section, for precluding the creditors of the public Officers above-mentioned from being employed on their public establishments, are to be considered equally applicable to the relatives and dependants of such creditors: the former as well as the latter are consequently equally precluded from being employed on the establishments, of any of the public Officers above described.—*Ibid*, *sec.* 3.

Penalty on natives knowingly taking Office in contravention of these rules.

4658. Any native causing himself to be appointed to any Office in opposition to the provisions of Reg. XXI. 1814, or in any way knowingly accepting Office in contravention thereof, is to forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation to which he is appointed.—*Reg. VII.* 1823, *sec.* 7.

Penalties to be enforced by prosecution at the suit of Government.

4659. Suits for the recovery of penalties incurred under this regulation are to be instituted under the special instructions of Government, and are to be conducted by the Superintendent and remembrancer of legal affairs, or by such other Officer as Government may nominate for that purpose; such suits are to be instituted in the district Court within which the transaction has taken place, or the lender resides, or possesses real or personal property. An Appeal lies from judgments passed in such cases, in like manner as from other judgments passed in original suits by the above Courts; and the judgments are to be enforced under the provisions of the regulations for the execution of other decrees of the civil Courts.—*Reg. VII.* 1823, *sec.* 8.

4660. When an Officer continued for many months to draw a sum of money granted for a specific object, when the object had been otherwise provided for, and thus appropriated to his own use a sum to which he had no title, inasmuch as it should have been immediately saved to the state, the Court of Directors, after severely censuring the conduct of the Officer in question, intimated that any such delinquencies would in future be punished by dismissal from the service of Government.—*C. O. Sup. Pol. L. P. No.* 4, *June* 2, 1851. *C. O. No.* 62 *of vol.* 4, *June* 26, 1851 *L. P.*

Allowances granted for specific purposes not to be drawn after the object has been provided for.

4661. Officers of Government, of whatever rank or class, are absolutely prohibited from selling, or being concerned in the sale of, property of any amount or description to native princes and chiefs, or to their relatives or ministers, or to any native gentlemen of rank or opulence, residing under the protection of the British Government. Any disobedience of these orders will be followed by the displeasure of Government, and by such other penalty as the circumstances of the case may demand.—*Not. Government India.—No.* 3200, *July* 25, 1854.

Sales to natives of rank or opulence forbidden.

4662. Persons in public authority are not to borrow boats, elephants, &c. from the natives; a Commissioner of Circuit was considered to have been rightly censured for applying to a Zumeendar for the gratuitous use of his budgerow.—*Letter from the Court of Directors, December* 23, 1833.

Borrowing Boats, &c. from natives forbidden.

4663. The custom of natives presenting nazars in money, trays of fruit, and other articles, on the occasion of their paying official or complimentary visits to public functionaries in the service of the Government, is strictly prohibited: and such Officers are to adopt every measure within their power to make this prohibition general, known and obeyed by all natives of whatever rank or degree, with whom they have Official or private intercourse.—*Govt. Res. June* 2, 1829.

Nazars prohibited.

4364. All Officers of Government are prohibited from receiving complimentary addresses from parties with whom they have been officially connected.—*C. O. Sup. Pol. L. P. No.* 9, *Sep.* 29, 1851. *C. O. No.* 69, *of vol.* 4, *Sep.* 26, 1851 *L. P.*

Receipt of complimentary addresses forbidden.

4665. Members of the Civil Service may become share-holders in assurance and other companies; but, as the occupations of a private institution cannot be allowed to interfere with the claims of the public service to the undivided attention of the servants of Government, they are positively interdicted from taking any part in the management of such companies. This interdict does not, however, apply to the Asiatic, the agricultural, or other such socies, which cannot in any way be looked upon as trading establishments—*See Bengal and Agra Guide* 16 *vol.* 1, *part* 1, *page* 304.

Private Trading prohibited.

4666. As a general rule there is no objection to servants of Government holding shares in mining or other companies having for their object the developement of the resources of the country. The only restriction, which is necessary to be imposed is that public servants shall take no part in the management of such institutions, and shall not be employed in the districts where the operations of the company may be carried on.—There can be no doubt as to the great evil of public servants in India engaging in speculations in the public funds, or in the shares of joint Stock Companies, such a practice however on the part of any Officer could not long escape the knowledge of Government, and it is in the power of Government to mark its sense of such conduct either by withholding promotion or in any other way it might deem fit.—

As regards the question whether granted Madras civilian may hold land in Mysore, Cochin, or Travancore, the Secretary of State for India will view with disapproval the holding by covenanted civil servants of lands in Native States. The same objection applies to the holding of such lands by Military Officers in the actual service of the crown in India. The right of Officers, civil or Military, to hold shares in the agricultural companies operating in Native States may be regulated by the same rules as apply to their holding shares.—*See. sec. of State for India No.* 46 *May* 31, 1862 *and No.* 22, *Nov.* 25, 1862 *published in Ord. Govt. In No.* 383, *Jany.* 16, 1863.

4667. The following rules regarding the possession of landed property in India by the public servants of the state, refer only to the acquisition or possession of lands intended to be applied to agricultural purposes, are not to be construed to include lands occupied merely by building for residents and their usual appurtenances:—

Rule regarding the possession of landed property in India by Government Servants

Officers of the Covenanted Civil Service are at liberty to acquire and possess lands any where to of the Presidency to which they are attached, but are absolutely precluded from h ling lands within their own Presidency. Officers of the Bengal Civil Service, attached to the Lo r Provinces, can acquire and hold land in upper Provinces, including the Punjaub and Oude Similarly fficers attached to the upper Provinces may be permitted to acquire and hold lands in the Lower Provi es of Bengal. It will of course be understood that such Officers possessing lands in either Division are bsolutely precluded from employment under the Local Governments of the Division in which their lands e situated.

Regimental Military Officers may hold lands in any part of India, with th istinct understanding, however, that a Military Officer possessing land will be disqualified for tempor employment in any Civil capacity in the District within which his land is situated; but Military Of ers who are placed in permanent employment in the Civil administration must, like the Officers of e Covenanted Service, be prevented from holding land in the Presidency to any part of which they ay be sent.

No restrictions are to be placed on the possession or acquisition of lands t Uncovenanted Officers of any description, whether of European, Indo British, or Native descent, bey d those now in force. Officers of all classes (including candidates for Office) must, however, be require to make a declaration of the fact of their being in possession of, or of their having acquired landed pr y, stating the District within which it is situated, with such other particulars as Government may cons r necessary, of which registers should be kept at the seat of Government of each Presidency or Lieu ant-Governor-ship. Although the covenanted Officers are not to be precluded from holding land, it nay, nevertheless, be in expedient that appointments which necessarily confer a considerable amount of po r and influence on their occupants, such as those of Sudder Ameen, Deputy Collector and Tehseeldar, sh ld be filled by persons holding landed property within their jurisdiction; and it is right that the s eral Governments should always have at hand the information necessary to guide their judgment in lecting individuals for such Offices.

It will, moreover, be incumbent on the several local Governme to take care that no Officer who may be in possession of landed property in India or elsewhere, to atever class of the service he may belong, shall apply any portion of the time and attention w a ought to be devoted to his public duties, whether Civil or Military, to the management of that property, and that longer or more frequent leaves of absence are not to be permitted on that account. *Secretary of State's Despatch, No.* 22, *August* 10*th*, 1861 *and No.* 29, 30*th*, *November* 1861, *pu shed in Order Govt. India No.* 241, *January* 14*th*, 1862.

Private disputes interfering with the due discharge of Public duties.

4668. The following is an extract from an order of G ernment, dated September 5, 1839.—"It remains for the Governor General to express his general senti nts on a point which has evidently been instrumental in producing dissensions between Officers, who bounden duty to the Government, which they serve, it was, and always must be, to merge all perso feelings and official pretentions in zeal for the public interest. The matter to which his lordship all s is that tenaciousness of their own authority and readiness to interfere with the authority of other disti functionaries, which make those, who are most sensitive of any encroachment on their own power and rogative, the very persons likely to infringe the just and proper authority of others. To cavil abou ilies in intercourse of official life, betrays no more the absence of generous and highminded principl hana readiness to postpone to selfish considerations the performance of duties owing to the state. E y indulgence in harsh and accrimonious language in official correspondence falls under this censure, and one can in any degree give way to it without losing somewhat of the confidence, which Governm would otherwise have placed in his judgment and discretion, as detracting from his trust wort ss, and even lessening his claims to high and confidential employment. The Government has th rongest reason to expect that every one of its servants, to whom it confides the discharge of respon e duties, will, from the moment of assuming such charge, discard all private feelings of pique and imosity, that may interfere with the impartial and unprejudiced performance of public duty, and wil anifest a spirit superior to the influences of party or personal motives. Those who appear ready t acrifice their public duty to the indulgence of private resentment can have little right to look for futu patronage or distinction."

4669. All Officers ought to cultivate a friendly intercourse with persons of respectability and influence, both European and Native, residing in the District. Without prescribing the precise manner in which such intercourse may best be carried on, Government desires to impress the Officers of the Covenanted Service with a sense of the peculiar obligation they are under to show courtesy and attention towards all who are brought in connection with them, and not only to feel an interest in the improvement and prosperity of the District and its inhabitants, but to take the lead in all measures designed for promoting those objects.—*Order Government Bengal, April* 21, 1854.

Friendly intercourse required to be cultivated with respectable Europeans and natives.

4670. The following rules for reporting on the official character and conduct of the several public functionaries were promulgated for the information and guidance of all Officers. The objects in view are: firstly, the carrying into effect the principle of enforcing responsibility in all superior functionaries for the incapacity, or neglect, or wrongs committed by the civil servants under them unless they are, as the cases may admit, either redressed or reported to Government: secondly, the bringing to the knowledge of Government all instances of eminent merits and qualifications amongst its Covenanted Officers of all ranks, so that the Government may be enabled, generally, to reward merit, to stimulate exertion, and to secure to the public service for vacant Offices the best qualifications available.—In hearing appeals and cases sent from the Session's Courts, every judge of the Nizamut Adawlut is to note, as each case proceeds, any points that strike him as affecting materially the character of the Court below; and whenever, at the conclusion of a case, any judge is of opinion that the proceedings of such a Court have been either remarkably well, or remarkably ill-conducted, it is his duty to make a note thereon for the consideration of the Court collectively at their English sitting. The Court is to determine in what manner these notes may be made available, in the preparation of their annual report, for the expression of their collective opinion on the quality of the business performed by every Session Judge. The Nizamut Adawlut is required to make a special report on the subject of any Zillah, in which they are of opinion that the state of business is such as to make it desirable, for the sake of the public interests, that measures should be immediately taken to remedy the evil. In cases of less importance, it is the duty of the Court to notice in their annual report any serious defect which they believe to exist in the administration of justice in any District under their jurisdiction. It is the duty of the several Commissioners of circuit to report, in their periodical police returns, their opinions on the general efficiency of the police of each District under their superintendence, and on the manner in which the various business in this department has been performed by each of the Officers among whom it is distributed. It is also the duty of each Commissioner to notice prominently in these reports the extent to which the services of the assistants to the Magistrates and Joint Magistrates in his Division have been employed, and the consequences of such employment, in order that the application and abilities of the several Officers in the junior grades of the service may be brought distinctly under the view of the Government. It is the duty of the Sudder Court, of the Commissioners, and of the Magistrates, and Joint Magistrates, to report to the immediate superior every case in which they are of opinion that a Covenanted Officer, subordinate to them, is decidedly disqualified to discharge efficiently the duties entrusted to him; and it is hereby notified to all such functionaries that it is considered an essential part of their duty to make themselves acquainted with the manner in which their subordinate Officers perform their duties, and that they themselves will be held responsible for any mischievous consequences that may result from any inefficiency, bad habits, or serious errors of conduct of those under them, that ought to have been known to them, unless they report the same for the information of their superiors.—*Govt. Not. December* 20*th*, 1836, *C. O. W. P No.* 222, *Feby.* 10*th*, *L. P. No.* 227, *April* 7*th*, 1837.

Reports on the Official character and conduct of the several public functionaries

The individual Judges of the Nizamut Adawlut are to furnish notes on the cases submitted by the Session Judges; and the collective opinion of the courts to be expressed in their annual report.

In special cases an immediate report of the state of any Zillah is to be submitted to Government otherwise, serious defects ought to be noted in the annual report.

Reports on the state of the Police.

All Officers are to report if a subordinate is decidedly disqualified to discharge his duties efficiently: if they fail to report they are themselves to be held responsible.

4671. Officers submitting explanations from their subordinates are invariably to state whether they consider the same to be sufficient and satisfactory, or otherwise.—*C. O. No.* 219, *of vol.* 2, *Jan.* 27*th*, 1837.

CHARGES.

4671½. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the Government not removeable from his Office without the sanction of

Government may draw up distinct charges, and or-

for a public enquiry.

the Government, it shall cause the substance of the imputations to be drawn into distinct articles of charge, and shall order a formal and Public inquiry to be made into the truth thereof.—*Act XXXVII.* 1850, *sec.* 2.

By whom the enquiry is to be conducted Notice to the accused.

4672. The inquiry may be committed either to the Court, board, or other authority to which the person accused is subordinate, or to any other person or persons to be specially appointed by the Government Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the begining of the inquiry.—*Act XXXVII.* 1850, *sec.* 3.

Government prosecutor.

4673. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.—*Ibid, sec.* 4.

Accuser to reduce accusation to writing and to verify it by his oath.

4674. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent Government from instituting any inquiry, which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.—*Ibid, sec.* 5.

Accuser to give security if the conduct of the prosecution is left to him.

4675. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the Commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forth coming to answer any counter charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.—*Ibid, sec.* 6.

Government may abandon and accuser continue prosecution at any stage.

4676. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is herein before mentioned.—*Ibid, sec.* 7.

Commissioner's power in case of contempt and in summoning witness, &c.

4677. The Commissioners shall have the same power, of punishing contempts and obstructions to their proceedings, as is given to civil and criminal Courts by Act XXX. 1841, (Act XXV. 1861, Section 163) and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection, as the Zillah and City Judges; except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the Zillah or City Judge, in whose jurisdiction the witness or other person resides, on whom the process is to be served; and if he resides within Calcutta, Madras, or Bombay, then through the Supreme Court of judicature. When the commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.—*Ibid, sec.* 8.

Penalty for disobeying process.

4678. All persons disobeying any lawful process issued as aforesaid for the purposes of the commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority, through whom it is executed.—*Ibid, sec.* 9.

Copy of charge &c. is to be given to accused.

4679. A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry exclusive of the day of delivery, and the first day of the inquiry.—*Ibid, sec.* 10.

Accused to plead to each charge. Refusal or neglect

4680. At the beginning of the inquiry, the prosecutor shall exhibit the articles of charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be

required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forth with recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects to appear, to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.—*Ibid, sec.* 11.

to appear considered as admission of truth charge.

4681. The prosecutor shall then be entitled to address the Commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved: his address shall not be recorded.—*Ibid, sec.* 12.

Prosecutor's address.

4682. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.—*Ibid, sec.* 13.

Evidence for the prosecution.

4683. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence; and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment, and of the day to which the proceedings are adjourned.—*Ibid, sec.* 14.

If further evidence be required for the prosecution.

4684. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.—*Ibid, sec.* 15.

Defence may be made orally or in writing

4685. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.—*Ibid, sec.* 16.

Evidence for defence.

4686. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in courts of justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.—*Ibid, sec.* 17.

Witnesses to be examined on oath or affirmation.

Private prosecutor may be examined.

4687. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.—*Ibid, sec.* 18.

Notes to be taken of all oral evidence.

4688. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.—*Ibid, sec.* 19.

Prosecutor may reply or call further evidence if defence be written or supported by evidence.

4689. When the Commissioners shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the enquiry from time to time, on the application of either the prosecutor or the

Articles of charge may be amended.

Prosecutor or accused may apply for adjournment.

person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.—*Ibid, sec.* 20.

Report of enquiry to be made to Government.

4690. After the close of the inquiry, the Commissioner shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.—*Ibid, sec.* 21.

Government may require further evidence or refer report for opinion.

4691. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case ; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.—*Ibid, sec.* 22.

Final orders.

Meaning of word Government.

4692. The word 'Government' as used in this Act means the Governor General in Council, the Governor or Deputy Governor of the Presidency of Fort William in Bengal, and the Lieutenant Governor of the North Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.—*Ibid, sec.* 23.

Application of Act

4693. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors ; but a Commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.—*Ibid, sec.* 24.

Power of Government to suspend or remove Officer without enquiry under this Act.

4694. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.—*Ibid, sec.* 25.

Government Officer not to accept the Office of arbitrator in a civil suit.

4695. An instance having come to the knowledge of Government of one of its Officers permitting himself to accept the Office of arbitrator in a Civil suit, and it being considered that such a proceeding is for various reasons objectionable; Officers of Government are prohibited from accepting the Office of arbitrator in any Civil action without the permission of the Government being first obtained. In any application for such permission the circumstances of the case and the names of the parties must be stated, and the special reasons which may have led the Officer to entertain a request for his services as an arbitrator must be specified.—*Govt. Order W. P.* 2222 *A, Sep.* 12*th*, 1862

Public Officers not to overdraw accounts with native bankers.

4696. It has been brought to the notice of Government that public Officers in some parts of India, are in the habit of overdrawing their accounts with native bankers and other persons residing or carrying on business within the limits of their jurisdiction. This practice is entirely opposed to the Orders of Government, and is expressly prohibited by sec. 3 Reg. VII. 1823 (4653) Officers politically employed are prohibited by the Orders of the Government of India dated the 22nd March 1845, from borrowing money of or lending money to, any natives of India resident within their respective political circles. The attention of Officers of Government, employed in any Civil or political capacity in any part of India is now called to these express prohibitions and they are warned that by any infraction thereof, whether by overdrawing accounts with bankers, or in any other way, they will incur the severe displeasure of Government. Residents Agents, Commissioners and other controlling Officers will be held responsible for checking any departure from the strict letter of this order on the part of their subordinates.—*Order Govt. India, No.* 900, *Dec.* 31*st*, 1859, *C. O. S. D. and N. A. No.* 10 *Feby.* 11*th*, 1860, *W. P.*

CHAPTER XI.

OF OFFENCES AND THEIR PUNISHMENTS.

The Schedule referred to in section 22 and elsewhere in the Code of Criminal Procedure has been included in this chapter.

Explanatory Notes 1st the entries in the 2nd and 6th columns have been taken from the Indian Penal Code.

2nd. The term "whether bailable or not" in column 5 is to be taken in connection with the provisions of sections 212 and 213 of the Code of Criminal Procedure (Act XXV. 1861).

3rd. Offences may be tried by a court superior to the Court mentioned in column 7. For example a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4th. Any offence which is triable by an Officer exercising the powers of a Magistrate may be tried by a subordinate Judge or Principal Sudder Ameen in the Presidency of Fort St George.

5th. The words "Magistrate of the District" as used in column 7 shall include any Officer exercising the powers of a Magistrate.

6th. The words "any Magistrate" as used in column 7 shall include any Subordinate Magistrate of the 1st or 2nd Class.

7th. In the Territories of British India to which the general Regulations of Bengal, Madras, and Bombay do not extend, the Provinces powers given by this Act shall be exercised by such Officers as the Local Government of those Territories respectively shall appoint.

8th. In column 6 where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive (Act XLV. 1860 sec. 63.)

9th. In the same column where the term imprisonment is used singly it can be either rigorous or simple.

10th. The punishments entered in column 6 is the maximum degree of punishment prescribed by law for the offence. Magistrates and Judges are at liberty to adjudge any punishment up to it which they may think proper and just with reference to the circumstances of the case.

11th When the punishment for any offence is imprisonment and fine it is discretional with the Judge or Magistrate to adjudge fine or not.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
	ABDUCTION.						
	Insan ko bhaga leyjana.						
	হরণ						
4697	*Definition* Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.						*Indian Penal Code or Act XLV.* 1860, *Chap.* 16, *sec.* 362.
4698	Abducting or kidnapping any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered.	May arrest without warrant.	Warrant.	Not bailable.	Transportation for life or 10 years' imprisonment and fine.	Court of Session.	*Ibid, sec.* 364.

4699. A kidnaps Z. from British India, intending or knowing it to be likely that Z. may be sacrificed to an Idol A has committed the offence defined in this Section.—*Ibid, Illustration, A.*

A forcibly carries or entices B. away from his home in order that B may be murdered A. has committed offence defined in this Section.—*Ibid, Illustration B.*

4701	Abducting or kidnapping any person with intent to cause that person to be secretly and wrongfully confined.	Ditto	Ditto	Ditto	7 years' imprisonment and fine	Ditto	*Act XLV.* 1860, *Chapter* 16, *sec.* 365.
4702	Abducting or kidnapping a woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse.	Ditto	Ditto	Ditto	10 years' imprisonment and fine.	Ditto	*Ibid, sec* 366
4703	Abducting or kidnapping any person in order that he may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of.	Ditto	Ditto	Ditto	Ditto.	Ditto	*Ibid, sec* 367.

4704	Wrongfully concealing or confining any person, knowing that such person has been kidnapped or abducted.	May arrest without warrant	Warrant	Not bailable	Same punishment as if offender had abducted or kidnapped him with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains him in confinement.	Court of Sessions.	*Ibid, sec.* 368
4705	Abducting or kidnapping a child under 10 years of age, with intention to take dishonestly any moveable property from the person of such child.	Ditto	Ditto	Ditto	7 years imprisonment and fine.	Ditto	*Ibid, sec.* 369.
4706	Taking or enticing away any woman who is and whom the offender knows or has reason to believe to be the wife of any other man from that man or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or concealing or detaining with that intent any such woman. (see Kidnapping.)	Shall not arrest without warrant.	Ditto	Bailable.	2 years imprisonment or fine or both.	Magistrate of the District.	*Act XLV.* 1860. *Chap. XX. sec.* 498.
	ABETMENT. *Yiannt.* সহায়তা।						
4707	Abetting any offence, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as a warrant or summons may issue for the offence abetted	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable	*Indian Penal Code or Act XLV. of* 1860, *Chap. 5, sec.* 109
4708	Abetting the Commission of an Offence, if the person abetted does the act with a different intention or knowledge from that of the abettor.	Ditto	Ditto	Ditto	Same punishment as for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.	Ditto	*Ibid, sec.* 110.

ABETMENT.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summon shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4709	When one act is abetted and a different act is done provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid, or in pursuance of the conspiracy which constituted the abetment.	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted.	Ditto	*Ibid, sec.* 111.
4710	If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted and constitutes distinct Offence.	Ditto	Ditto	Ditto	Punishment for each of the offences	Ditto	*Ibid, sec.* 112.
4711	When an effect is caused by the act abetted different from that intended by the abettor provided the abettor knew that the act abetted was likely to cause that effect.	Ditto	Ditto	Ditto	The same punishment as for abetment of the offence committed.	Ditto	*Ibid, sec.* 113.
4712	If abettor is present when offence is committed.	Ditto	Ditto	Ditto	Same punishment as for offence committed.	Ditto	*Ibid, sec.* 114.
4713	Abetting the Commission of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment and no express provision is made by this code for the punishment of such abetment.	Ditto	Ditto	Not bailable.	7 years' im. and fine.	Ditto	*Ibid, sec.* 115.
4714	Ditto ditto if the act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done.	Ditto	Ditto	Ditto	14 years' im. and fine.	Ditto	*Ibid*
4715	Abetting an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment and no express provision is made by this code for the punishment of such abetment.	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term and of any description provided for the offence or whole amount of fine provided for the offence or both	Ditto	*Ibid, sec.* 116, *and C. O. June* 2, 1862, *W. P.*
4716	Ditto ditto if the abettor or the person abetted is a public servant whose duty it is to prevent the Commission of such offence.	Ditto	Ditto	Ditto	Imprisonment extending to ½ of ditto or fine as above or both.	Ditto	*Ibid.*

4717	**Abetting** the Commission of an offence by the public generally or by any number or class of persons exceeding ten.	Ditto	Ditto	Ditto	3 years' imprisonment or fine or both.	Ditto	*Ibid, sec.* 117.
4718	Intending to facilitate or knowing it to be likely that the offender will there by facilitate the Commission of an offence punishable with death or transportation for life, voluntarily concealing by any act or illegal omission the existence of a design to commit such offence, or making any representation which he knows to be false respecting such design, if that offence be committed.	Ditto	Ditto	Not bailable.	7 years' imprisonment and fine.	Ditto	*Act XLV.* 1860, *sec.* 118.
4719	Ditto ditto if the offence be not committed.	Ditto	Ditto	Ditto	3 years' imprisonment and fine.	Ditto	*Ibid.*
4720	A public servant, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the Commission of an offence which it is his duty as such public servant to prevent, voluntarily concealing, by any act or illegal omission, the existence of a design to commit such offence, or making any representation which he knows to be false respecting such design, if the offence be committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to ⅓ of the longest term and of any description provided for the offence or such fine as is provided for the offence or both.	Ditto	*Ibid, sec.* 119.
4721	Ditto ditto if the offence be punishable with death or transportation for life.	Ditto	Ditto	Not bailable.	10 years' imprisonment.	Ditto	*Ibid.*
4722	Ditto ditto if the offence be not committed.	Ditto	Ditto	According as the offence abetted is bailable or not	Imprisonment extending to ¼ part of the longest term and of the description provided for the offence or such fine as is provided for the offence or both.	Ditto	*Ibid.*
4723	Offender, intending to facilitate or knowing it to be likely that he will thereby facilitate the Commission of an offence punishable with imprisonment, voluntarily concealing, by any act or illegal omission, the existence of a design to commit such offence, or making any representation which he knows to be false respecting such design, if the offence be committed.	Ditto	Ditto	Ditto	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence or such fine as is provided for the offence or both.	Ditto	*Ibid, sec.* 120.
4724	Ditto ditto if the offence be not committed.	Ditto	Ditto	Ditto	Imprisonment extending to ⅛ part of Ditto or fine as above or both	Ditto	*Ibid.*

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	ABKAREE LAWS.—BREACH OF *Khilaf urzee qanoon Abkaree.* আবকারী কাননের বিপরীতাচরণ।						
4725	Constructing or working a distillery after the English method, without a license from the Collector.	Shall not arrest without warrant.	Summons.	Bailable.	1,000 Rs. fine for every offence. All spirits manufactured at such distillery and all materials and implements collected for such manufacture, liable to be confiscated.	Magistrate of District or subordinate Magistrate of 1st. Class.	*Act* XXI. of 1856, *sec.* 18.
4726	Proprietor or Manager of a licensed distillery constructed and worked after the English method, omitting to furnish any notice or any statement or list required by the Board of Revenue under sec. 6 of this Act wilfully doing any thing in contravention of the said Rules.	Ditto.	Ditto	Ditto	200 Rs. fine. In case of repetition license can be withdrawn by collector.	Ditto.	*Ibid, sec.* 19.
4727	Removing or attempting to remove from any licensed distillery, constructed and worked after the English method, any spirituous liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed; or any spirituous liquors for which a pass has not been issued by the Collector.	May arrest if empowered by Government.*	Ditto.	Ditto	1,000 Rs. fine Liquor with the vessels containing them and any animals and conveyances, used in carrying them are liable to confiscation	Ditto.	*Ibid, sec.* 20.
4728	Relanding or attempting to reland any spirituous liquors, shipped for exportation without special pass of the Officer of Excise of the place of exportation.	Ditto	Ditto	Ditto	500 Rs. fine Liquors with casks and vessels, the carts, boats and animals employed in carrying them liable to confiscation.	Ditto.	*Act* XXI. 1856 *sec.* 21, *and Act VI.* 1863, *sec* 73.
4729	Possession of spirituous liquors manufactured at Chandernagore or any other place not within the dominion of Her Majesty in India without a pass from the Collector certifying payment of the prescribed duty.	Ditto	Ditto.	Ditto.	200 Rs. fine Liquors with vessels and conveyances liable to confiscation.	Ditto,	*Act* XXI. 1856, *sec.* 22.

* In the North Western Provinces this power has been given to the Officers of Police, vide 3330.

4730	Constructing or working a brewery or Manufacturing any description of Malt Liquor without a license from the Collector.	Shall not arrest without warrant.	Summons	Bailable	500 Rs. fine.	Ditto.	*Ibid, sec.* 24.
4731	Neglecting to produce license to manufacture country spirits or to sell spirituous or fermented liquors or intoxicating drugs on the demand of any Abkaree Officer or committing any act in breach of any of the conditions of the license not otherwise provided for in Act XXI. 1856.	Ditto.	Ditto.	Ditto.	50 Rs. fine	Ditto.	*Ibid, sec.* 43.
4732	Holders of license for whole sale or retail sale of spirituous liquors, acting contrary to the terms of the license	Ditto.	Ditto.	Ditto.	200 Rs. fine.	Ditto.	*C. O. S. B of R. N. W. P. 1st May* 1857 *para.* 33.
4733	Sale by licensed retail vendor of a larger than the quantity of spirituous or fermented liquors or intoxicating drugs allowed to be sold by retail by the provisions of this Act* (3305).	Ditto	Ditto.	Ditto.	200 Rs. fine.	Ditto.	*Act* XXI. 1856, *sec.* 44.
4734	Whole sale vendor makin a retail sale*	Ditto.	Ditto.	Ditto.	200 Rs. fine.	Ditto.	*Ibid.*
4735	Person licensed to sell spirituous or fermented liquors or intoxicating drugs permitting drunkenness, riot or gambling in his shop, or permitting persons of notoriously bad character to meet or remain therein, or receiving any wearing apparel or other effects in barter for liquors or drugs.	Ditto.	Ditto.	Ditto.	200 Rs. fine.	Ditto.	*Act* XXI. 1856, *sec* 45.
4736	Conveying or attempting to convey any country spirits from a sudder distillery without a pass or exceeding the quantity covered by the pass or introducing or attempting to introduce any country spirits manufactured at another place, into the limits fixed for the consumption of spirits of sudder distillery without a special pass from the Collector.	May arrest if empowered by Government.	Ditto.	Ditto.	500 Rs. fine.	Ditto.	*Ibid, sec.* 46.
4737	Wilfully contravening any rule prescribed by the Board of Revenue for the management of a sudder distillery, otherwise as provided for in the last preceding Section.	Shall not arrest without warrant.	Ditto	Ditto.	50 Rs. fine.	Ditto.	*Ibid, sec.* 47.
4738	Manufacture or sale of Country spirits or intoxicating drugs without a license, and person authorized to supply country spirits and drugs to licensed vendors selling to an individual other than the licensed vendor†	Ditto	Ditto	Ditto	500 Rs. fine.	Ditto.	*Act* XXI. 1856, *sec.* 48.

* Nothing in this section shall be held to prohibit the grant to the same person of both wholesale and retail licenses, subject to provisions of this Act.—*Act* XXI. 1856 *sec.* 44.

†Nothing in this Section, or in Section 25 (3303) shall apply to the sale by Auction of any spirituous liquors, wines, or beer, purchased by any person for his private use, and so disposed of upon such person quitting a station or after his decease.—*Act* XXI. 1856, *sec.* 48.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first Instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4739	Keeping in possession country spirits or taree or pachwye or intoxicating drugs except opium exceeding the quantity prescribed for retail sale under provisions of Sec. 35 of this Act (3313) by a person other than a licensed manufacturer or vendor or a person duly authorized to supply licensed vendors without a pass*	Shall not arrest without warrant.	Summons.	Bailable.	200 Rs. fine Liquor and Drugs together with the vessels pakages and coverings in which they are found, and the animals and coveyances used in carrying them liable to confiscation.	Ditto.	*Ibid, sec.* 49.
4740	Transporting by land or water or possession of any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors in larger quantities than two Gallons without Pass from the Collector or other Officer duly empowered in that behalf.†	May arrest if empowered by Government.	Ditto	Ditto	Ditto.	Ditto.	*Ibid.*
4741	Any person other than a licensed vendor keeping in possession opium exceeding five tolas in weight. See Section 52 (3324.)	May arrest without warrant.	Ditto	Ditto	500 Rs. fine. If opium exceed 31¼ seers additional 6 Rs. per seer for the excess. The opium with vessels, packages, and coverings in which it is found and the animals and conveyances used in carrying it are liable to confiscation.	Ditto	*Ibid, sec.* 51.
4742	Licensed vendor selling or offering for sale opium adulterated with any foreign substance, not being a preparation or admixture of Opium for the sale of which such vendor may have taken out a license; or, except in Districts exempted from the operation of Section 34, (332) selling or having in possession any Opium other than the Opium supplied to him from the Government stores.	Ditto	Ditto	Ditto	500 Rs. fine. Opium, with vessels or packages in which it is found shall be seized and confiscated, and license withdrawn.	Ditto.	*Ibid, sec.* 53.

*Nothing in this Section (4739 and 4740) shall extend to any spirituous liquors, wines, or beer purchased by any person for his private use and not for sale.—*Act XXI* 1856, *sec.* 49.

4743	Proprietor, Farmer, Tuhseeldar, Gomasta or other manager of land authorizing or conniving at the manufacture of country spirits or the sale of spirituous or fermented liquors, or intoxicating drugs by any unlicensed person.	Shall not arrest without warrant.	Summons.	Bailable.	500 Rs. fine.	Ditto.	*Act* XXI. 1856, *sec.* 54.
4744	Obstructing or resisting any Abkaree Officer in the due execution of this Act, or of any rules prescribed under the authority thereof.	Ditto.	Ditto.	Ditto.	500 Rs. fine.	Ditto.	*Act.* XXI. *of* 1856, *sec.* 64.
4745	Police Officers neglecting or refusing without lawful excuse to assist Abkaree Officers in the due execution of their duty, when called upon to do so and any Darogah or other Officer in charge of a Police station failing on application to attend a search himself or depute a subordinate Officer not under the grade of a Jamadar.	Ditto	Ditto	Ditto	500 Rs. fine.	Ditto	*Ibid, sec.* 65.
4746	Maliciously giving false information against any person as being engaged in the unlawful manufacture of spirits, or as selling, or having in his possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procuring that such person be arrested, or that any house, boat, or other place be searched, to the injury, or annoyance of such person, or any other person whatsoever.	Shall not arrest without warrant.	Ditto.	Ditto.	500 Rs. fine and six months im. The fine or any portion thereof may be paid to the person aggrieved.	Ditto.	*Act* XXI. 1856. *sec.* 66.
4747	Abkaree Officer, without reasonable ground of suspicion searching or causing to be searched any house, boat, or other place, or vexatiously and unnecessarily seizing the goods or chattels of any person, on the pretence of seizing or searching for any spirituous liquors or intoxicating drugs liable to confiscation under this Act, or vexatiously and unnecessarily arresting any person, or committing any other excess not required for the execution of his duty.	Ditto.	Ditto.	Ditto.	500 Rs. fine which sum or any portion thereof may be paid to the person aggrieved.	Ditto	*Ibid, sec.* 67.
4748	Abkaree Officer neglecting to report the particulars of an arrest, seizure, or search, within 24 hours, thereafter or delaying to carry to Magistrate or Collector as the case may be the person arrested or illicit articles seized under this Act.	Ditto.	Ditto.	Ditto.	Ditto 200 Rs. fine.	Ditto	*Ibid, sec.* 68.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment,	By what Courtriable.	Authority.
4749	Abkaree Officers unlawfully releasing or conniving at the escape of person arrested, under this Act or conniving at the manufacture of spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by a licensed person contrary to the terms of his license, or acting in a manner inconsistent with his duty, to enable any person to do any thing whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue, defrauded and any Daroga of Police or other Officer invested with Local Jurisdiction authorizing or conniving at the establishment of any unlicensed shop for the sale of liquors or drugs as afor esaid in any place subject to his control.	Shall not arrest without warrant.	Summons	Bailable.	500 Rs. fine.	Ditto	*Ibid, sec.* 69.
4750	Abkaree Officer asking or taking any unauthorized gratuity in consideration of doing or omitting to do any Act in his official capacity.	Ditto	Ditto	Ditto	500 Rs. fine.	Ditto	*Ibid, sec.* 70.
4751	Any person not amenable to articles of war, or any sutler or camp follower knowingly bartering, selling, or supplying, or offering or attempting so to do, any spirituous liquor, wine, or intoxicating drug to or for the use of any European Soldier, any European or Eurasian Camp follower or a soldier's wife within any Military cantonment or other limits fixed under this Act publicly notified, without a written license from the commanding or other competent Officer.	May arrest if empowered by competent Officer (567-568).	Ditto.	Ditto.	50 Rs. fine or one month im. In case of repetition 100 Rs. fine or 3 months' im and confiscation of liquor and drug.	Magistrate of District.	*Act XVIII.* 1853 *sec.* 1 *and* 2.
4752	Camp follower, Military Pensioner or wife or widow of any soldier, camp follower or Military pensioner removing, conveying, or having in possession any quantity of spirituous liquor or wine exceeding one seer or quart, without a permit signed by commanding or other competent Officer.	Ditto	Ditto	Ditto	50 Rs. fine. In case of repetition 100 Rs fine or 3 months' im.	Ditto,	*Ibid, sec.* 3.
4753	Obstructing Police Officer in making any arrest of offender or seizure of liquor or intoxicating drug.	Ditto	Ditto	Ditto	100 Rs. fine.	Ditto	*Ibid, sec.* 6.

4754	Police Officer not carrying offender or liquor arrested or seized within a reasonable time to Magistrate or other competent Officer.	Not without warrant.	Summons	Bailable.	100 Rs. fine.	Magistrate of District.	*Act XVI.* 1863, *sec.* 3.
4755 A.	Police Officer arresting or seizing without cause, without a warrant.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid.*
4755	Wilful contravention of any rule prescribed by the Board of Revenue or other Authority specially authorized in that behalf by the Local Government under sec. 2 of Act XVI. of 1863.	Ditto	Ditto	Ditto	50 Rs. and confiscation of liquor, or spirits with cask, vessel, cart, boat, animal, or other conveyance.	Ditto	*Ibid, sec.* 7.
B. 4755	Attempting or conniving at an attempt to render fit for human consumption spirits removed from a Distillery under the provisions of Act XVI. 1863.	Ditto	Ditto	Ditto	1000 Rs. and ditto.	Ditto	*Ibid, sec.* 4.
C. 4755	Possession of such spirit on which such attempt (4755B) has been made, or which may have been rendered unfit for human consumption.—See 567-575 &. 3281-3357½ and Addenda.	Ditto	Ditto	Ditto	500 Rs. and ditto.	Ditto	*Ditto*
	ABSCONDING						
	Roposah hona.						
	পলায়ন।						
4756	Absconding in order to avoid being served with a summons notice, or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order.	Shall not arrest without warrant.	Ditto	Ditto	Simple im. for one month or 500 Rs. fine or both.	Magistrate of District or Subordinate Magistrate of 1st. class.	*Act XLV. of* 1860, *chap.* 10, *sec.* 172.
4757	Ditto ditto if the summons, notice or order is to attend in person, or by agent, or to produce a document in a Court of Justice.	Ditto	Ditto	Ditto	6 months' simple im. or 1,000 Rs. fine or both.	Ditto	*Ibid.*
	ADULTERY.						
	Zena.						
	পরস্ত্রী গমন।						
4758	Having sexual intercourse with a person who is and whom the offender knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not ammounting to the offence of rape. The wife shall not be punishable as an abettor.	Shall not arrest without warrant.	Warrant.	Ditto	5 years' im. or fine or both.	Court of Session.	*Act XLV. of* 1860, *chap.* 20, *sec.* 497.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first Instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	AFFARY.*						
	দাঙ্গা।						
4759	*Def.*—When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray."	Not without warrant.	Summons	Bailable.	One month im. or 100 Rs. or both.	Any Magistrate.	*Act XLV.* 1860, *chap.* 8, *sec.* 159
4760	Committing affray.—See Riot and unlawful Assembly.						*Ibid, sec.* 160.
	ARMS LAWS †—BREACH OF *Khlafurzee qanoon uslah.*						
	অস্ত্র বিষয়ক কানুনের বিপরীতাচরণ।						
4761	Manufacturing or assisting in manufacturing any cannon howitzer or mortar without authority from Government.	Ditto	Warrant	Ditto	1,000 Rs. fine and 3 years, imprisonment.	Court of Session or Magistrate of District (3447).	*Act* XXXI. 1860 *sec.* 2.
4762	Having in possession any cannon, howitzer, or mortar, without the permisson of Local Government, except in course of duty as a public Officer of Government.	Ditto	Ditto	Ditto	500 Rs. fine for every cannon, howitzer or mortar and in default of payment 1 year's imprisonment.	Ditto	*Act* XXXI. 1860 *sec.* 3.

The provisions of this section (4762) shall not extend to any cannon, howitzer or mortar, forming part of the ordinary armament of any ship or vessel Act XXXI. 1860, section 3.

NOTE.*

The affray in the English legal sense is taken for a public offence to the terror of the people. There may be an assault, which will not amount to an affray, as when it happens in a private place out of the hearing or seeing of any except the parties concerned; and there may be an affray which does not amount to a riot, as when a sudden disturbance occurs between people who have met together on a lawful occasion. An affray may be committed by 2 persons, a riot by not less than 3. No quarrelsome or threatening words whatever amount to an affray.—*Russel and Archbald.—Beaufort P.* 739.

†Act XXXI. of 1860 relating to the manufacture, importation, and sale of arms and Ammunition and for regulating the right to keep and use the same and to give power of disarming in certain cases shall continue in force for five years from 1st. October 1860.

4763	Any person to whom a license to manufacture or deal in arms, percussion caps, sulphur, gunpowder or other ammunition is granted omitting to put up a board inscribed as directed in section. 9 (3416) in a conspecuous part of his shop or usual place of business.	Shall not arrest without warrant	Summons.	Bailable.	Fine not exceeding 100 Rs.	Magistrate of District or Subordinate Magistrate (3449 and 3450).	*Act* XXXI. 1860 *sec.* 10.
4764	Any person to whom such license shall not have been granted in the manner prescribed putting up such board as aforesaid in his shop or usual place of business.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 11.
4765	Knowingly purchasing arms of the description mentioned in section 6 (3411) or any percussion caps, sulphur, gunpowder, or other ammunition from any person not licensed.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Act* XXX. *of* 1861 *sec.* 13.
4766	Licensed person omitting or failing duly to keep a book containing an account of all his stock in trade and the name and address of every purchaser of arms or ammunition or sulphur sold by him, together with its nature, description, and quantity; or preventing or obstructing the inspection of such book or making a false entry therein.	Ditto.	Ditto.	Ditto.	500 Rs. fine for every offence and double the value of any arms or ammunition sold of which no entry is made, or respecting which a false entry is made and withdrawal of license.	Ditto.	*Ibid, sec.* 14.
4767	Licensed manufacturer or dealer intentionally concealing from Magistrate or other authorized Officer any part of his stock in trade, or wilfully refusing to point out where the same is kept.	Ditto.	Ditto.	Ditto.	500 Rs. fine or two years' im. or both. Arms and ammunition may be seized and confiscated if Magistrate shall so adjudge.	Ditto.	*Ibid, sec.* 15.
4768	Importing or attempting to import without license from a competent Officer either by sea or by land, into any part of the British Territories in India, any cannon, howitzer, or mortar, or any arms, percussion caps, sulphur, saltpetre, gunpowder or other ammunition, or aiding or assisting in such importation, or attempt, or knowingly concealing or assisting in the concealment any cannon, howitzer, or mortar or any arms, percussion caps, sulphur, saltpetre, gunpowder, or other ammunition imported without such license.		Warrant.	Ditto.	3 years' im. and 1,000 Rs. fine, and the articles so imported shall be confiscated if the Magistrate shall so adjudge.	Court of Session or Magistrate of the District.	*Act* XXXI. 1861 *sec.* 18.
4769	Transporting or causing to be transported, or attempting to transport or cause to be transported, or aiding in transporting any arms, military stores, lead, sulphur, saltpetre, gunpowder or other ammunition contrary to such order as is mentioned in section 22 (3426) or to the rules and conditions specified therein.		Ditto.	Ditto.	500 Rs. fine or 3 years' im. or both. Articles transported or attempted to be transported shall be confiscated.	Court of Session or Magistrate of the District.	*Act* XXXI. 1860 *sec.* 23.
4770	Doing ditto ditto by concealment or other device.		Ditto	Ditto	500 Rs. fine and 7 years' im. and confiscation as above.	Ditto.	*Ibid.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4771	After the expiration of the time mentioned in such order as is specified in Cl. 5 of this section (3442) in any Province, District or place to which this section shall be extended, or after the 1st October 1860, in any Province, District, or place in which an order for a general search for arms has been issued, and is still in operation as aforesaid having in possession or custody any such arms as aforesaid, or any percussion caps, sulphur, gunpowder, or other ammunition without such license as aforesaid.		Ditto	Ditto	2 years' im. and 1,000 Rs. fine.	Magistrate of the District.	*Act* XXXI. 1860, *sec.* 32 *cl.* 6.

4772. It shall be lawful for the Magistrate or other Officer mentioned in the order to search or cause to be searched any house or premises occupied by such person, or in which the Magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed.—*Act* XXXI. 1860, *sec.* 32 *cl.* 6.

4773	If on any such search being made under the provisions of either of last two sections (3435-3445) offender having in his possession or power any such arms, percussion caps, sulphur, gunpowder, or other ammunition, or knowing where such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed, refuse to produce or point out the same to the Officer making the search, or if offender intentionally concealing or attempt to conceal any such arms, percussion caps, sulphur, gunpowder or other ammunition.	May arrest without warrant.	Warrant.	Bailable.	2 years' im. and 1,000 Rs. fine.	Magistrate of District.	*Act* XXXI 1860, *sec.* 33.
4774	Assaulting or resisting or aiding, or assisting, any person in assaulting or resisting any person in the execution of any power vested in him by this Act. See 3408-3511.		Summons	Bailable.	200 Rs. fine or 6 months' im. or both.	Magistrate of District or Subordinate Magistrate of 1st class.	*Act* XXXI. 1860, *sec* 34.

ARSON—*Atish—Zunee.*

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See Mischief.

ENGLISH LAWS.

4775. *Note*—By the English common law, the offence of arson is a felony, and is defined by Lord Coke to be the malicious and voluntary burning the house of another, by night, or by day. It must be the house of another; the burning of a man's own house is no felony at common law; but if a men set fire to his own house maliciously, intending thereby to burn the adjoining house belonging to another, if the latter house is burned, it is felony; if not it is a great misdemeanor. To constitute arson at common law, it must be proved that there was an actual burning of the house, or of some part of it, though it is not necessary that any part should be wholly consited, or that the fire should have any continuance, but be put out, or go out of itself. The setting fire to the house of another maliciously to burn is not a felony, if either by accident, or timely prevention, the fire does not take place. Where a house has been robbed and burnt, proof that part of the stolen property was found in the possession of the prisoner is evidence to show that he committed the arson. The act of burning must be proved to have been both wilful and malicious, otherwise it is only a trespass and not felony; but where the primary intention of the offender is to burn only his own house (which is no felony), yet if in fact other houses are thereby burned, being adjoining and in such a situation at that the fire must in all probability reach them, the intent being unlawful, and the consequence immediately and necessarily flowing from the original act done, it is felony; for the law in such case implies malice; and generally, if the act be proved to have been done wilfully, it may be inferred to have been done maliciously, unless the contrary be proved; the absence of malice or spite to the owner is no answer to the charge. The offence may be committed, not only with regard to a dwelling house, but also with regard to all out houses which are parcel of it, though not contiguous, or under the same roof. Besides the common law, the various offences of burning houses and other property are now for the most part provided against by various statutes, under one of which a person unlawfully and maliciously setting fire to any dwelling house, any person being therein, may be adjudged to suffer death. Roscoe's Digest, and Aachbold's criminal Pleading.—*Beaufort P* 907.

ASSAULT *Humla*

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4776 *Def*—Whoever makes any gesture, or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person is said to commit an assault. —*Act*, XLV 1860, *chap*. 16, *sec* 351.

4777. Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.—*Ibid, Explanation.*

4778. A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z, A has committed an assault.—*Ibid, Illustration a.*

4779. A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z, A has committed an assault upon Z.—*Ibid, Illus. b.*

4780. A takes up a stick, saying to Z, "I will give you a beating." Here though the words used by A could in no case amount to an assault, and though the mere gestare unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.—*Ibid, Illus. c.*

4781	Assaulting or using criminal force to any person otherwise than on grave and sudden provocation given by that person.	Without warrant.	Summons	Bailable.	3 months im. or Rs. 500 fine or both.	Any Magistrate.	*Act* XLV. 1860 *chap*. 16 *sec*. 352

4782 Grave and sudden provocation will not mitigate the punishment for an offence under this section if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or

If the provocation is given by any thing done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant, or

If the provocation is given by any thing done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.—*Act* XLV 1860 *chap.* 16 *sec* 352, *Expl.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4783	Assaulting or using criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by such person in the lawful discharge of his duty as such public servant.	May arrest without warrant.	Warrant.	Bailable.	2 years' im. or fine or both.	Magistrate of District or Subordinate Magistrate of 1st class.	*Act* XLV. 1860, *chap.* 16, *sec.* 353
4784	Assaulting or using criminal force to any woman, intending to outrage or knowing it to be likely that the offender will thereby outrage her modesty.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 354.
4785	Assaulting or using criminal force to any person, intending thereby to dishonor that person, otherwise than on grave and sudden provocation given by that person.	Shall not arrest without warrant.	Summons	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 355.
4786	Assaulting or using criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying.	May arrest without warrant.	Warrant.	Not Bailable.	Ditto.	Any Magistrate.	*Ibid, sec.* 356.
4787	Assaulting or using criminal force to any person, in attempting wrongfully to confine that person.	Ditto.	Ditto	Bailable.	One year's im. or 1000 Rs. fine or both.	Ditto	*Ibid, sec.* 357.
4788	Assaulting or using criminal force to any person on grave and sudden provocation given by that person	Not without warrant.	Summons	Ditto	1 month's simple im or 200 Rs, fine or both.	Ditto	*Ibid, sec.* 358.
4789	This section is subject to the same explanation as section 352 (4782).						*Ibid, Expl.*

4790. *Note.*—In English law, an assault is an attempt or offer with force or violence to do a corporal hurt to another, and the act must be accompanied with such circumstances as denote at the time an intention, coupled with a present ability of using actual violence against the person of another. If the defendant's demeanor naturally impressed the plaintiff with the idea that he was about to strike him, it is an assault, notwithstanding his real intention was to do him no harm. The injury need not be direct from the hand of the party as there may be an assault by

encouraging a dog to bite; so by exposing a person to the inclemency of the weather; or by an unlawful imprisonment or detention of the person. Mere words however can never amount to an assault, so, if a man strike at another, but at such a distance that he cannot by possibility touch him, it is no assault, but if A advance in a threatening attitude towards B to strike him, and be stopped just before he is near enough for his blow to take effect, it is an assault. A battery in the legal acceptation of the word, includes beating and wounding. To beat, also in the legal acceptation of the term, means not merely to strike forcibly with the hand, or a stick, or the like, but includes every touching or laying hold (however trifling) of another's person or clothes in an angry, revengeful, rude, insolent or hostile manner; as, for instance, thrusting or pushing him in anger; holding him by the arm; spitting in his face; jostling him out of the way; pushing another man against him; striking a horse upon which he is riding whereby he is thrown; or the like. If a man strike at another with a cane or fist, or throw a bottle at him, or the like, if he miss him, it is an *assault*; if he hit him, it is a battery. A *wounding* is where the violence is so great as to draw blood, by striking or stabbing him with a sword, knife, or other instrument, or by shooting, or by striking him with a cudgel, or fist, or the like; and includes incised wounds, punctured wounds, lacerated wounds, contused wounds, and gun-shot wounds. It is a good defence to prove that the alleged battery happened by misadventure or that it was an amicable contest, as in wrestling, or that it happened by accident whilst the defendant was engaged insome sport or game which was neither unlawful nor dangerous. So it is a good defence, that the prosecutor assaulted or beat the defendant first, and that the defendant committed the alleged battery merely in his own defence, or in the defence of another person but then it must be such only as was necessary for the defence, and not excessive or by way of revenge after all danger from the assailment was passed, also, it is a sufficient answer to this defence, to prove that the first assault was justifiable. The defendant may justify a battery by proving that he committed it in defence of his possession; but then the force used must not excessive, or more than was actually necessary. Lastly, it is a good defence to prove that the defendant, as an officer of justice, arrested the prosecutor by virtue of a certain process, which is the alleged battery complained of; but the Officer can not justify any actual force except in case of resistance or attempt at rescue, and then no greater degree of force than was necessary to secure the prisoner.—*Comyn. Russel and Archbald.—Beaufort* 771.

ATTEMPT.

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4791	Attempting to commit an offence punishable by this code with transportation or imprisonment, or to cause such an offence to be committed and in such attempt doing any act towards the Commission of that offence, where no express provision is made by this code for the punishment of such attempt.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a Summons or Warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	½ of the longest term of transportation or imprisonment provided for that offence, or such fine as is provided for the offence or both.	By the Court by which the offence attempted is triable.	*Act XLV.* 1860 *chap.* 23 *sec.* 511

4792. A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.—*Act XLV.* 1860, *chap.* 23, *sec.* 511, *Il. a.*

4793. A makes an attempt to pick the pocket of Z, by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this Section,—*Ibid, Illus. b.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment	By what Courttriable	Authority.
1794	BOATS						
	Carpenters, Blacksmiths or other artificers engaging or undertaking to build or repair any boat of the description mentioned in section 20 Reg. 22, 1793 (3512-3516), unless the person offering to employ them produce a written authority from Magistrate for building or using such boat	Shall not arrest without warrant	Summons	Bailable	1 month imprisonment	Any Magistrate.	*Reg* XXII 1793 *sec.* 20 *cl.* 4.

BREACH OF TRUST, CRIMINAL.

Phinul Moorjrimana.

অপরাধ ভাবে বিশ্বাসঘাতকতা।

4795. *Def.*—Whoever, being in any manner entrusted with property or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "Criminal Breach of Trust."—*Act XLV.* 1860, *chap.* 17, *sec.* 405.

4796. A, being executor to the will of a deceased persons, dishonestly, disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed Criminal Breach of Trust.—*Ibid, Illus. a.*

4797. A is a Ware-housed keeper Z. going on a journy entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for Ware-house-room. A dishonestly sells the goods. A has committed Criminal Breach of Trust.—*Ibid, Illus. b.*

4798. A, residing in Calcutta, is agents for Z residing at Delhi. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lac of Rupees to A, with directions to A to invest the same in Company's Paper. A dishonestly disobeys the directions, and employs the money in his own business. A has Committed Criminal Breach of Trust.—*Ibid Illus c.*

4799. But if A, in the last illustration, not dishonestly, but in good faith, beleiving that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.—*Ibid, Illus. d.*

4800. A, a revenue Officer, is entrusted with public money, and A either directed by law, or bound by a contract, express or implied, with the Government, B pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money A has committed criminal breach of trust.—*Ibid, Illus. e.*

4801. A, a carrier, is entrusted by Z with property to be carried by land or water. A dishonestly misappropriates the property. A has has committed criminal breach of trust.—*Ibid, Illus. f.*

4802	Committing Criminal breach of trust.	Not without warrant.	Warrant.	Not Bailable.	3 years' im. or fine or both.	Court of Session or Magistrate of District or Subordinate Magistrate 1st class.	*Act XLV.* 1860 *chap.* 17 *sec.* 406
4803	Offender being entrusted with property as a carrier, wharfinger, or Warehouse-keeper, committing criminal breach of trust in respect of such property.	Ditto	Ditto	Ditto	7 years' im. and fine	Ditto	*Ibid, sec.* 407.
4804	Offender being a clerk or servant or employed as a clerk or servant and being in any manner entrusted in such capacity with property or with any dominion over property, committing criminal breach of trust in respect of that property.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec* 408.
4805	Offender being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, committing criminal breach of trust in respect of that property.	Ditto.	Ditto	Ditto.	Transportation for life or 10 years' im. and fine.	Ditto.	*Act XLV.* 1860, *chap* 17, *sec.* 409
	BREAKING OPEN ANY CLOSED RECEPTACLE DISHONESTLY.						
4806	Dishonestly or with intent to commit mischief, breaking open or unfastening any closed receptacle which contains or which the offender believes to contain property.	May arrest without warrant.	Warrant.	Bailable.	2 years' im. or fine or both.	Magistrate of District or subordinate Magt. 1st class.	*Act XLV.* 1860 *chap.* 17, *sec.* 461
4807	Offender being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaking open or unfastening that receptacle.	Ditto	Ditto	Ditto	3 years' im. or fine or both.	Ditto ditto or court of Session.	*Ibid, sec.* 462
	CANOONGOE.						
4808	On the death, resignation or removal of a canoongoe, any person in possession of his records refusing or evading to deliver them up to his successor on the requisition of a Magistrate.	Shall not arrest without warrant	Summons	Bailable.	Same punishment as for resistance of Magistrate's process,		*Reg. IV* 1808 *sec.* 9 *and* 10 *Reg* II. 1816 *sec.* 9 & 10 *Reg. V.* 1816 *sec.* 9 *and* 10 *Reg.* II. & XIII 1817, *Reg.* I 1818 *sec.* 2 *Reg.* I 1819 *sec.* 3 *cl* 1.
	CATTLE TRESPASS. *Moodakhilut beja minjanib moeshec.* ক্ষেত্রাদিতে গো মহিষাদির প্রবেশ।						
4809	Any person causing cattle to trespass on any land or on the crop cultivated on any land, with intent to cause, or knowing that he is likely to cause wrongful loss or damage to any person.	Shall not arrest, without warrant.	Summons	Bailable.	3 months' im. or 200 Rs. fine or both.	Magistrate of District and subordinate Magt. of 1st class	*Act.* XXII. 1861 *sec.* 1 *and* 3.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
4810	Committing the above offence and thereby causing loss or damage to the amount of 50 Rupees or upwards.	Ditto	Ditto	Ditto	2 years' im. or 200 Rs. fine or both,	Ditto	*Ibid, secs.* 2 *and* 3.
4811	Forcibly opposing the seizure of Cattle doing damage to land or crops or other produce of land, or forcibly rescuing the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound.	Ditto	Ditto	Ditto	Six months' im. or 500 Rs. fine or both.	Ditto	*Act* III. 1857, *sec.* 13.
4812	Any person being an owner or keeper of pigs, through neglect or otherwise, damaging or causing or permitting to be damaged any land or any crop or produce of land by allowing pigs to trespass therein.	Ditto	Ditto	Ditto	10 Rs. fine.	Any Magistrate.	*Ibid, sec.* 18.

CHEATING.

Dugha.

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4813. *Def.*—Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do any thing which he would not do or omit if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or porperty, is said to "cheat."—*Act XIV.* 1860 *chap.* 17, *sec.* 415.

4814. A dishonest concealment of facts is a deception within the meaning of this Section.—*Ibid, Expl.*

4815. A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z, to let him have on credit goods for which he does not mean to pay. A, cheats.—*Ibid, Illus. a.*

4816. A, by putting a counterfeit mark on an article, intentionally deceives into Z, a belief that this article was made by a certain celebrated manufacturer, and this dishonestly induces Z, to buy and pay for the article. A cheats.—*Ibid, Illus. b.*

4817. A, by exhibiting to Z a false sample if an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z, to buy and pay for the article A cheats.—*Ibid, Illus. c.*

4818. A, by tendering in payment for an article a bill on a house with which A keeps no money and buy which A expects that the bill will be dishonered, intentionally deceives Z and thereby dishonestly induces Z to deliver the article, intending not to pay for it, A cheats —*Ibid, Illus. d.*

4819. A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z, to lend money A cheats.—*Ibid, Illus. e.*

4820. A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby dishonestly induces Z to lend him money, A not intending to repay it. A, cheats.—*Ibid, Illus. f.*

4821. A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z, to advance money upon the faith of such delivery. A, cheats ; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.—*Ibid, Illus. g.*

4822. A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z which he has not performed, and thereby dishonestly induces Z, to pay money A cheats.—*Ibid, Illus. h.*

4823. A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.—*Ibid, Ills. i.*

4824. A person is said to "cheat by personation," if he cheats by pretending to be some other person, or by knowingly substituting one person for onother, or representing that he or any other person is a person other than he or such other person is really is.—*Ibid, sec.* 416.

4825. The offence is committed wheather the individual personated is a real or imaginary person.—*Ibid, explanation.*

4826. A, cheats by pretending to be a certain rich banker of the same name, A cheats by personation.—*Ibid, Illus. a.*

4827. A, cheats by pretending to be B, a person who is deceased A, cheats by personation.—*Ibid, Illus. b.*

4828	Simple cheating.	Not without warrant.	Warrant.	Bailable.	One year's im. or fine or both.	Magistrate of District or Subordinate Magt. 1st class.	*Act XLV.* 1860 *chap.* 17 *sec.* 417.
4829	Any person cheating with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates he was bound, either by law or by legal a contract, to protect.	Ditto	Ditto.	Ditto	3 years' im. or fine or both.	Ditto Ditto or Court of Session.	*Ibid, sec,* 418.
4830	Cheating by personation.	Ditto	Ditto	Ditto	Ditto.	Ditto	*Ibid, sec.* 419.
4831	Cheating and thereby dishonestly inducing the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or any thing which is signed or sealed and which is capable of being converted into a valuable security.	Ditto	Ditto	Ditto.	7 years' im. and fine.	Court of Session.	*Ibid, sec,* 420.
	CHOWKEEDAREE LAW BRECH OF *Khilaf urge qanon Chowkeedaree.* চৌকিদারী আইনের বিপরীতাচরণ।						
4832	Any person, appointed a member of a punchayut to fix the Chowkeedaree assessment of any town under Act XX. of 1856 refusing to undertake the Office, or omitting to perform the duties thereof, and not showing satisfactory ground for his refusal or omission or providing such a substitute as the Magistrate approves within 15 days from the date of his appointment.	Shall not arrest without Warrant.	Summons	Bailable.	50 Rs. fine.	Magistrate of District or Subordinate Magistrate of first class.	*Act* XX. 1856, *sec.* 24.

1	2	3	4	5	6	7	8
Paras. of this Book	Offence	Whether the Police may arrest without warrant or not	Whether a warrant or a Summons shall ordinarily issue in the first instant	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4833	Any Tax Darogah or other servant appointed under Act XX 1856 and any Chowkeedar, or Officer of Police purchasing any property at a sale for recovery of arrears of Chowkeedaree Tax.	Ditto	Ditto	Ditto	50 Rs fine and confiscation of property purchased.	Ditto	*Ibid, sec* 45
4834	Wilfully obstructing or molesting any Tax Darogah or any of his establishment in the performance of their duties or fraudulently concealing, or disposing of any of the offender's property for the purpose of avoiding a distress under the provisions of Act XX of 1856 or knowingly assisting any other person in so doing	Ditto	Ditto.	Ditto	50 Rs fine	Ditto	*Ibid, sec.* 48
4835	Extortion malversation or other misconduct on the part of any Tax Darogah or other person appointed under Act, XX of 1856 in the discharge of his duty	Ditto.	Ditto	Ditto	Dismissal 6 months' im and refund or restitution of money or effects taken indefault further rigorous im till delivery but not exceeding six months If Magistrate consider this insufficient he can commit to Sessions and Session Judge can punish under his general powers	Ditto	*Ibid, sec* 49
4836	Chowkeedar, Jumadar, or Inspector appointed under Act XX of 1856 convicted of neglect of duty or misconduct	Ditto	Ditto	Ditto	Fine of half a month's wages	Ditto	*Act* XX 1856 *Sec* 55
	VILLAGE CHOWKEEDARS						
4837	Every land holder, farmer, merchant or other person employing paiks, chokeedars, pasbans, nigabans, burkundazes or any other description of watchmen or guards is to transmit in the first month of each succeeding Bengalee or Tusally year (according to the era current in the district) made up to the last day of the preceding year, a list thereof, specifying the means, occupations, places of residence, and allowance in land or money of the several persons entertained by them, to the Magistrate of the Zillah or City in which they were employed Neglecting to furnish such lists (specially after being called upon by the Magistrate) as well as wilfully omitting to include in them persons actually employed as guards or watchmen of any denomination	Ditto	Ditto	Ditto	200 Rs fine or 6 months' imprisonment	Ditto	*Reg* XII 1807 *sec* 21

COIN, OFFENCES RELATING TO.

Juraiem mootaliqua siqqa.

মুদ্রা সম্পর্কীয় অপরাধ।

4838. *Def.*—Coin is metal used as money stamped and issued by the authority of some Government in order to be so used. Coin stamped and issued by the authority of the Queen or by the authority of the Government of India, or of the Government of any Presidency, or of any Government in the Queen's dominions is designated as the Queen's Coin.—*Act XLV.* 1860, *chap.* 12, *sec.* 230.

4839. Cowries are not coin.—*Ibid, Illustration a.*

4840. Lumps of unstamped copies, though used as money, are not coin.—*Ibid, Ill. b.*

4841. Medals are not coin, in as much as they are not intended to be used as money.—*Ibid, Ill. c.*

4842. The Coin denominated as the Company's Rupee is the Queen's Coin.—*Ibid, Ill. d.*

4843	Counterfeiting or knowingly performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant.	Not Bailable	7 years' im and fine.	Court of Session.	*Act XLV.* 1860, *chap.* 12, *sec.* 231.
4844	A person commits this offence, who, intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.						*Ibid, Explanation.*
4845	Counterfeiting, or knowingly performing any part of the process of counterfeiting the Queen's coin.	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and fine.	Ditto	*Ibid, sec.* 232.
4846	Making or mending, or performing any part of the process of making or mending, or buying, selling, or disposing of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Ibid, sec.* 233.
4847	Ditto Ditto Queen's Coin.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 234.
4848	Possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Ibid, sec.* 235.
4849	Ditto Ditto if the coin to be counterfeited is the Queen's coin.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid,*
4850	Any person being within British India, abetting the counterfeiting of coin out of British India.	Ditto	Ditto	Ditto	Punishment for abetting the counterfeiting of such coin within British India.	Ditto	*Ibid, sec.* 236.
4851	Importing into British India or exporting therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Act XLV.* 1860, *chap.* 12 *sec.* 237

1	2	3	4	5	6	7	8
Parns. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4852	Ditto Ditto Queen's Coin.	Ditto	Warrant.	Not bailable.	Transportation for life or 10 years' im and fine.	Court of Session.	*Ibid, sec.* 238.
4853	Any person having a counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, fraudulently or with intent that fraud may be committed delivering the same to any person, or attempting to induce any person to receive it.	Ditto	Ditto	Ditto	5 years' im. and fine.	Ditto	*Act* XLV. 1860 *chap.* 12 *sec.* 239
4854	Ditto Ditto Queen's Coin.	Ditto	Ditto	Ditto	10 years' im and fine.	Ditto	*Ibid, sec.* 240.
4855	Any person delivering to any other person as genuine, or attempting to induce any other person to receive as genuine, any counterfeit coin, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession.	Ditto	Ditto	Ditto	2 years' im. or fine of 10 times the value of the coin counterfeited or both.	Magistate of District or Subordinate Magistrate 1st class.	*Ibid, sec.* 241

4856. A, a coiner, delivers counterfeit Company's Rupees to his accomplice B, for the purpose of uttering them. B sells the Rupees to C, another utterer, who buys them, knowing them to be counterfeit. C pays away the Rupees for goods to D, who receives them not knowing them to be counterfeit. D, after receiving the Rupees, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under Section 241, but B and C are punishable under Section 239 or 240 as the case may be.—*Act* XLV. 1860, *Chap* 12 *sec* 241, *Illustration.*

4857	Any person fraudulently or with intent that fraud may be committed, being in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit.	May arrest without warrant.	Warrant	Not bailable.	3 years' im. and fine.	Court of Session.	*Act* XLV. 1860 *chap.* 12 *sec.* 242
4858	Ditto Ditto Queen's Coin.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 243.
4859	Any person employed in any mint lawfully established in British India, doing any act, or omitting what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Act* XLV. 1860. *chap.* 12, *sec.* 244
4860	Taking out of any mint, lawfully established in British India, any coining tool or instrument, without lawful authority.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 246.

4861	Fraudulently or dishonestly performing on any coin any operation which diminishes the weight or alters the composition of that coin.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Ibid, sec.* 246.
4862	A person who scoopsout part of the coin, and puts any thing else into the cavity, alters the composition of that coin.	Ditto	Ditto	Ditto			*Ibid, explanation.*
4863	Ditto Ditto Queen's coin.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 247.
4864	Performing on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Act, XLV.* 1860 *chap.*12, *sec.* 248.
4865	Ditto Ditto Queen's coin.	Ditto	Ditto	Ditto	7 year s' im. and fine.	Ditto	*Ibid, sec.* 249.
4866	Any person having coin in his possession with respect to which the offence defined in section 246 or 248 (4861 or 4864) has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivering such coin to any other person, or attempting to induce any other person to receive the same.	Ditto	Ditto	Ditto	5 years' im. and fine.	Ditto	*Act XLV.* 1860 *chap* 12 *sec.* 250
4867	Ditto Ditto Queen's coin.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid, sec.* 251.
4868	Any person fraudulently or with intent that fraud may be committed being in possession of coin with respect to which the offence defined in either of the sections 246 or 248 has been committed, having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Act XLV.* 1860 *chap.*12, *sec.* 252.
4869	Ditto Ditto Queen's coin.	Ditto	Ditto	Ditto	5 years' im. and fine.	Ditto	*Ibid, sec.* 253.
4870	Any person delivering to any other person as genuine, or as a coin of a different description from what it is, or attempting to induce any person to receive as genuine, or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 246, 247, 248 or 249 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed	Ditto	Ditto	Ditto	2 years' im. or fine of 10 times the value of the coin for which the altered coin is passed or attempted to be passed.	Magistrate of District or Subordinate Magistrate of 1st class.	*Act XLV. chap.* 12, *sec.* 254.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instant.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	CONCEALMENT OF BIRTH. *Ikhfáé oládut.* জন্ম লুকাইয়া রাখন।						
4871	Any person by secretly burying or otherwise disposing of the dead body of a child, whether such child die before, or after, or during its birth, intentionally concealing or endeavouring to conceal the birth of such child.	May arrest without warrant.	Warrant.	Bailable.	2 years' imprisonment or fine or both.	Court of Session.	*Act XLV.* 1860, *chap.* 16, *sec.* 318

4872. In a case of concealment of birth by secret disposal of the dead body of the child, the Judge acquitted prisoners on the ground that the child was still born, and was not illegitimate, and the body was disposed of as is usual in such cases, viz: by throwing it into the nearest water which happend to be a well. It was held by the Sudder Court that the first part of the Judge's reasoning is opposed to the clear and unmistakable language of Section 318 of the Penal Code, and it matters not whether the child was illegitimate or born in wedlock. The offence contemplated by the law is clearly the concealment of birth of any child. As respects the last part of the Judges reasoning there is not the smallest proof on record before the Judge. The custom is that Brahmins take their dead to running water, if at hand; if not, they deposit them in a tank or Jheal or Pokhur, and if not, in an unused well. It has never been heard of a well which is in use, as the one in this case, being used for such a purpose. Such an idea is repugnant to the ideas of all people, and it is astonishing how the Judge could have entertained the idea that such was the custom of any class of people, more particularly of a people so particular about the water they use as the Brahmins are or pretend to be.—*Rep. W. P. Govt. v. Musst Parbutee and others May 19th*, 1862, *page* 91.

CONSPIRACY.

4873. By English Law a conspiracy is an agreement between two or more persons 1.—Falsely to charge another with a crime punishable by law, either from a malicious or vindictive motive or feeling towards the party, or for the purpose of extorting money from him 2.—Wrongfully to injure or prejudice a third person, or any body of men, in any other manner.—3. To commit any offence punishable by law.—4. To do any act with intent to pervert the course of justice.—5. To effect a legal purpose with a corrupt intent, or by improper means.—6. Conspiracies or combinations by journeymen to raise their wages, &c. Thus, under the first head, a conspiracy to charge a man falsely with treason felony, misdemeanor, is indictable; but it is not an indictable offence for two or more persons to consult and agree to prosecute a person who is guilty, or against whom there are reasonable grounds of suspicion. Under the second head, a conspiracy to impose pretended wine upon a man as and for true and good wine, in exchange for goods; a conspiracy by a female servant and a man whom she got to personate her master and marry her, in order to defraud her master's relations of a part of his property after his death; a conspiracy to injure a man in his trade or profession, a conspiracy to charge a man as the reputed father of a bastard; a conspiracy to raise the prices of the public funds by false rumours, as being a fraud upon the public, a conspiracy by persons to cause themselves to be reputed men of property, in order to defraud trades-men; a conspiracy to defraud the public by issuing and negotiating bills in the

name of a fictitious and pretended banking firm, a conspiracy by violence threats, contrivance, or other sinister means, to procure the marriage of a pauper of one parish to a pauper of another, in order to charge one of the parishes with the maintenance of both; for these respectively it has been holden an indictment will lie. But an indictment will not lie for a conspiracy to kill game, or to commit any other mere civil trespass. If however the parties conspire to obtain money by false pretences of existing facts, it is no objection to the indictment for conspiracy that the money was to be obtained through the medium of a contract. Under the third head, a conspiracy to commit a felony or misdemeanor is indictable. Under the fourth head, a conspiracy by certain justices of peace to certify that a highway was in repair, without knowing that the fact was true, was holden to be indictable. So, where several persons conspired to procure others to rob one of them, in order, by convicting the robber, to obtain the reward then given by Statute in such case, and the party who accordingly committed the robbery was as forwards convicted and actually executed, these persons were indicted for the conspiracy and convicted.—The nature of the offence requires that more than one person should be concerned in its Commission; one cannot be convicted of it, unless he has been indicted for conspiring with persons to the jurors unknown. And a man and his wife cannot be indicted for conspiring together alone, because they are in law one person But one person alone may be tried for a conspiracy, provided the indictment charge him with conspiring with others who have not appeared, or who are since dead. An agreement by several to do a certain thing may be the subject of an indictment for conspiracy though the same thing done separately by the several individuals, without any agreement between themselves, would not be illegal, as in the case of journeymen conspiring to raise their wages; for each may insist on his own wages being raised; but if several meet for the same purpose, it is illegal, and the parties may be indicted for a conspiracy. So, where several persons conspired to hiss at a theatre, Lord Mansfield held it indictable, though each might have hissed separately. If several persons concur in the act, it appears that they will be all guilty of a conspiracy, notwithstanding they were not previously acquainted with each other. The offence of conspiring consists in the unlawful agreement, although nothing be done in pursuance of it, for it is the conspiring which is the gist of the offence.—*Archbald and Roscoe.—Beaufort p.* 931.

	CONTEMPT OF THE LAWFUL AUTHORITY OF THE PUBLIC SERVANTS. *Sirkaree moolazimon ke ikhtiarat jaez ki tuhqeer.* রাজকীয় কার্য্যকারক দিগের আইনসিদ্ধ ক্ষমতার অবজ্ঞা।						
4874	Any person in any manner intentionally preventing the serving on himself, or on any other person, of any summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice, or order, or intentionally preventing the lawful affixing to any place of any such summons, notice or order, or intentionally removing any such summons, notice, or order from any place to which it is lawfully affixed, or intentionally preventing the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made.	Shall not arrest without warrant.	Summons	Bailable.	1 month's simple im. or 500 Rs. fine or both.	Magistrate of District or Sobordinate Magistrate 1st class.	*Act XLV.* 1860, *chap.* 10, *sec.* 173.
4875	Ditto Ditto if the summons, notice, order or proclamation is to attend in person, or by agent, or to produce a document in a Court of Justice.	Ditto	Ditto	Ditto	6 months' simple im or 1,000 Rs. fine or both.	Ditto	*Ibid.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4876	Any person being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant, legally competent, as such public servant to issue the same, intentionally omitting to attend at that place or time, or departing from the place where he is bound to attend before the time at which it is lawful for him to depart.	Shall not arrest without warrant.	Summons	Bailable	1 month's simple im. or 500 rupees fine or both	Ditto	*Act XLV.* 1860 *chap.*10, *sec.* 174.
4877	Ditto Ditto if the Summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice.	Ditto	Ditto	Ditto	6 months' simple im. or 1,000Rupees fine or both	Ditto	*Ibid.*

4878. A, being legally bound to appear before the Supreme Court at Calcutta in obedience to a subpœna issuing from that Court, intentionally omits to appear. A has committed the offence defined in this Section.—*Act XLV.* 1860 *chap.* 10, *sec.* 174, *Illus. a.*

4879. A, being legally bound to appear before a Zillah Judge, as a witness, in obedience to a summons issued by that Zillah Judge, intentionally omits to appear. A has committed the offence defined in this Section.—*Ibid, Illus. b.*

4880	Any person being legally bound to produce or deliver up any document to any public servant, as such, intentionally omitting so to produce or deliver up the same.	Shall not arrest without warrant.	Summons	Bailable.	1 month's simple im. or 500 Rupees fine or both.	Court in which the offence is committed, subject to the provisions of chap X. of Act XXV 1861 or if not committed in a Court. Magistrate of District or Subordinate Magistrate 1st class.	*Act XLV.* 1860, *chap.* 10, *sec.*175 *Ibid.*
4881	Ditto Ditto if the document is to be produced or delivered up to a Court of justice.	Ditto	Ditto	Ditto	6 months' simple im. or 1000 Rupees fine or both	Ditto	

4882	A, being legally bound to produce a document before a Zillah Court, intentionally omits to produce the same. A has committed the offence defined in this Section.						*Ibid, Illustration*
4883	Any person being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omitting to give such notice, or to furnish such information in the manner and at the time required by law.	Ditto	Ditto	Ditto	1 month's simple im. or 500 Rupees fine or both	Magistrate of district.	*Act XLV.* 1860, *chap.* 10 *sec.* 176.
4884	Ditto Ditto if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender.	Ditto	Ditto	Ditto	6 months' im. or 1,000 Rs. fine or both.	Ditto	*Ibid.*
4885	Any person being legally bound to furnish information on any subject to any public servant, as such, furnishing as true, information on the subject which he knows or has reason to believe to be false.	Ditto	Ditto	Ditto	Ditto	Magistrate of District or Subordinate Magistrate 1 class	*Ibid, sec.* 177.
4886	Ditto Ditto if the information which he is legally bound to give, respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid.*

4887 A, a land-holder, knowing of the Commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence difined in this Section.—*Act XLV.* 1860, *chap.* 10, *sec.* 177, *Illus. a.*

4888. A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a Dacoity in the house of Z, a wealthy merchant residing in a neighouring place, and being bound, under Clause 5, Section 7, Regulation III. 1821 of the Bengal Code to give early and punctual information of the above fact to the Officer of the nearest Police Station wilfully misinforms the Police Officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this Section.—*Ibid, Illus. b.*

4889	Any person refusing to bind himself by an oath to state the truth, when required so to bind himself by a public servant, legally competent to require that he shall so bind himself.	Not without warrant.	Summons	Bailable.	Six months' simple im. or 1,000 Rupees fine or both.	Same Court as mentioned in 4880.	*et XLV.* 1860, *chap.* 10, *sec.* 178.
4890	Any person being legally bound to state the truth on any subject to any public servant, refusing to answer any question demanded of him, touching that subject by such public servant in the exercise of the legal powers of such public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec.* 179.
4891	Any person refusing to sign any statement made by him when required to sign that statement by a public servant, legally competent to require that he shall sign that statement.	Ditto	Ditto	Ditto	3 months' simple im. or 500 Rupees fine or both.	Ditto	*Ibid, sec.* 180.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summon shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4892	Any person being legally bound by an oath to state the truth on any subject to any public servant or other person authorized by law to administer such oath making to such public servant or other person as aforesaid, touching, that subject, any statement which is false, and which he either knows or believes to be false, or does not believes to be true.	Shall not arrest without warrant	Warrant.	Bailable.	3 years' im. or fine.	Court of Session or Magistrate of Disrict.	*Act XLV.* 1860 *chap.* 10, *sec.* 181.

4893. The Court are pleased to call attention of Criminal Authorities to the distinction which obtains between the offence of "knowingly stating to a public servant on oath, as true, what is false," as defined in section 181 of the Indian Penal Code; and that of "giving false evidence," as explained in section 191.

Explanation of difference between sections 181 and 189 of the Indian Penal Code, making false statement on oath before a public servant and giving false evidence.

2. The offence contemplated in section 181 is a contempt of the lawful authority of a public servant, by the making of a false statement on oath; but such statement to bring it within the operation of the above section, must be other than one made in any stage of a Judicial Proceeding. A false statement made in the attestation of a recruit by a Justice of the Peace; and a false oath or declaration made before a Marriage Register under sections 14 and 15 Act V. of 1862 are instances of this offence, which is triable by the Magistate of the District, as well as by the Court of Session.—*C. O. W. P. No.* 38, *Dec.* 18, 1862.

3. "Giving false evidence," on the other hand, (section 191,) is an offence against public justice, and is ordinarily committed in some stage of a judicial proceeding, and is cognizable exclusively by the Court of Session.

4894	Any person giving to any public servant any information which he knows or believes to be false, intending there by to cause, or knowing it to be likely that he will thereby cause, such public servant to use his lawful power to the injury or annoyance of any person, or to do or omit any thing which such public servant ought not to do or omit, if the true state of facts respecting which such information is given were known by him.	Shall not arrest without Warrant.	Summons	Bailable.	6 months' im. or 1,000 Rs. fine or both.	Magistrate of District Subordinate Magistrate 1st class.	*Act XV.* 1860 *chap* 10, *sec.* 182.

4895. A, informs a Magistrate that Z, a Police Officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this Section.—*Act XLV.* 1860, *chap.* 10, *sec.* 182, *Illus. a.*

4896. A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to *Z.* A has committed the offence defined in this Section,—*Ibid, Illus. b.*

	Offering any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant.	Not without warrant.	Summons	Bailable.	6 months' im. or 1,000 Rupees fine or both.	Magistrate of district or Subordinate Magistrate 1st class.	*Act XLV.* 1860, *chap* 10 *sec.* 183.
4898	Intentionally obstructing any sale of property offered for sale by the lawful authority of any public servant, as such.	Ditto	Ditto	Ditto	1 month's im or 500 Rupees fine or both.	Ditto	*Ibid. sec.* 184.
4899	Any person, at any sale of property held by the lawful authority of a public servant, as such, purchasing or bidding for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bidding for such property not intending to perform the obligations under which he lays himself by such bidding.	Ditto	Ditto	Ditto	1 month's imprisonment or 200 Rupees fine or both.	Ditto	*Ibid, sec.* 185.
4900	Voluntarily obstructing any public servant in the discharge of his public functions.	Ditto	Ditto	Ditto	3 months' im or 500 Rs fine or both.	Ditto	*Ibid, sec.* 186.
4901	Any person being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omitting to give such assistance.	Ditto	Ditto	Ditto	One month's simple im. or 200 Rs. fine or both.	Ditto	*Ibid, sec.* 187.
4902	Ditto Ditto if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody.	Ditto	Ditto	Ditto	Six months' simple im. or 500 Rs. fine or both.	Ditto	*Ibid.*
4903	If any person knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order he is directed to abstain from a certain Act, or to take certain order with certain property in his possession or under his management, disobeys such direction, if such disobedience causes or tends to cause obstruction, annoyance, or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed.	Ditto	Ditto	Ditto	1 month's simple im. or 200 Rs. fine or both.	Ditto	*Ibid, sec.* 188.
4904	Ditto Ditto if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray.	Ditto.	Ditto	Ditto	6 months' im. or 1,000 Rs. fine or both.	Ditto	*Ibid.*

4905. It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.—*Act XLV.* 1860 *chap.* 10 *sec.* 188 *Expl.*

4906. An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this Section.—*Ibid, Illus.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first Instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4907	Any person holding out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant.	Shall not arrest without warrant.	Summons	Bailable	2 years' im. or fine or both.	Magistrate of District or Subordinate Magistrate of 1st class.	*Act XLV.* 1860, *chap.* 19, *sec* 189.
4908	Holding out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given.	Ditto	Ditto	Ditto	One year's im. or fine or both.	Ditto	*Ibid, sec.* 190.
	CONTRACT. CRIMINAL BREACH OF— *Móákibón Ki noog'moojrimana.* অপরাধ ভাবে চুক্তি ভঙ্গ করণ।						
4909	If any person being bound by a lawful contract to render his personal service in conveying or conducting any person, or any property, from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill treatment.	Ditto	Ditto	Ditto	One month's im. or 100 Rs. fine orboth.	Ditto	*Act XLV.* 1860, *chap.* 19, *sec.* 490

4910. A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this Section.—*Act XLV.* 1860 *chap.* 19 *sec.* 490 *Illus. a.*

4911. A, a cooly, being bound by lawful contract to carry Z's baggage form one place to another, throws the baggage away. A has committed the offence defined in this Section.—*Ibid, Illus b.*

4912. A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this Section.—*Ibid, Illus c.*

4913. A by unlawful means compels B, a cooly to carry his baggage B in the course of the journey puts down the baggage and runs away. Here as B was not lawfully bound to carry the baggage, he has not committed any offence.—*Ibid, Illus. d.*

4914. It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.—*Ibid, Expl.*

4915. A contracts with a Dak Company to drive his carriage for a month. B employs the Dak Company to convey him on a journey, and during the month the Company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here although A did not contract with B, A is guilty of an offence under this Section.—*Ibid, Illus.*

4916	If any person being bound by a lawful contract to attend on or to supply the wants of any person who by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety, or of supplying his own wants, voluntarily omits so to do.	Shall not arrest witho u t warrant.	Summons	Bailable.	3 months' im. or 200 Rs. fine or both.	Magistrate of the Dis trict or Subordi n a t e Magistra t e of 1st class.	*Act XLV* 1860, *chap.* 19, *sec* 491.
4917	If any person being bound by lawful contract in writing to work for another person as an artificer, workman or laborer, for a period not more than three years, at any place within British India to which by virtue of the contract he has been or is to be conveyed at the expence of such other voluntarily deserts the service of that other during the continuance of his contract, or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service.—see Section 9, Chapter VIII. Contract 3558-3566.	Ditto	Ditto	Ditto	One month's im. or fine not exceeding double amount of the expense or both unless it shall appear that the employer has illtreated the dft or neglected to perform the contract on his part.	Ditto	*Ibid, sec.* 492.

Corruption see Public Servants.
Criminal Assault see assault and Criminal Force
Criminal Breach of contract of Service see contract
Criminal Breach of Trust see Breach of Trust.

CRIMINAL FORCE.

Jabar Moojrimana.

অপরাধ ভাবে বল।

4918. *Def.*—A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or charge of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or

with anything which that other is carrying or wearing, or with anything so situated that such contact affects that other's sense of feeling, provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion or cessation of motion in one of the three ways hereinafter described.

1*st*.—By his own bodily power.

2*ndly*.—By disposing any substance in such a manner that the motion, or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

3*rdly*.—By inducing any animal to move, to change its motion, or to cease to move.—*Act XLV.* 1860, *chap.* 16, *sec.* 349.

4919. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to "use Criminal Force" to that other.—*Ibid, sec.* 350.

4920 Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z. —*Ibid, Illus. a.*

4921. Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has used criminal force to Z.—*Ibid, Il.* b.

4922. Z is riding in a palanqueen. A intending to rob Z, seizes the pole, and stops the palanqueen. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.—*Ibid, Il. c.*

4923. A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z; he has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.—*Ibid, Il. d.*

4924. A throws a stone intending or knowing it to be likely that the stone will be thus brought into contract with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.—*Ibid, Il. e.*

4925. A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.—*Ibid, Il. f.*

4926. Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or konwing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.—*Ibid, Il. g.*

4927. A incites a dog to spring upon Z without Z's consent. Here if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.—*Ibid, Il. h.*

For the punishment for using criminal Force see Assault 4781-4789.

Criminal Intimidation, assusult and annoyance see Assault and Intimidation.

Criminal Misappropriation of property see Misappropriation of property.

CRIMINAL TRESPASS.

Modakhilat Moojrimáná.

দোষ ভাবে অনধিকার প্রবেশ।

4928 *Def.*—Whoever enters into or upon property in the possession of another with intent to commit an offence, or to intimidate, insult, or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass."—*Act XLV.* 1860 *chap.* 17, *sec.* 441.

4929. Whoever commits criminal trespass by entering into or remaining in any building, tent, or vessel, used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit "house trespass."—*Ibid, sec.* 442.

4930. The introduction of any part of the Criminal trespasser's body is entering sufficient to constitute house trespass.—*Ibid Explanation.*

4931. Whoever commits house trespass, having taken precautions to conceal such house trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit "lurking house trespass."—*Ibid, sec* 443.

4932. Whoever commits lurking house trespass after sun-set and before sun-rise, is said to commit "lurking house trespass by night".—*Ibid, sec.* 444.

1		3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4933	Committing Criminal Trespass.	May arrest without warrant.	Summon	Bailable.	3 months' im. or 500 Rs fine or both.	Any Magistrate.	*Act XLV.* 1860, *chap.* 17 *sec.* 447.
4934	Committing House Trespass.	Ditto	Warrant	Ditto	1 year's im. or 1,000 Rs. fine or both.	Magistrate of District or Subordinate Magistrate 1st class.	*Ibid, sec.* 448.
4935	Committing house-trespass in order to the committing of any offence punishable with death.	Ditto	Ditto	Not bailable.	Transportation for life or 10 years' rigorous im and fine.	Court of Session.	*Ibid, sec.* 449.
4936	Committing house trespass in order to the committing of any offence punishable with transportation for life.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid, sec* 450.
4937	Committing house trespass in order to the committing of any offence punishable with imprisonment.	Ditto	Ditto	Bailable	2 years' im and fine.	Magt of Dt., or Sub.Mag. 1st class	*Ibid, sec.* 451.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether warrant or not.	Punishment.	By what Court triable	Authority.
1938	Ditto Ditto if the offence intended to be committed is theft.	May arrest without warrant.	Warrant.	Not Bailable.	7 years' im. or fine or both.	Ditto or Court of Session.	*Ibid.*
4939	Committing house trespass having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint.	Ditto	Ditto	Ditto	Ditto	Ditto	*Act XLV.* 1860 *chap.* 17*sec.* 452

4940. If any person not empowerd to distrain property under sec. 112 and 114 of this Act (i e land-holders entitled to receive rent, managers under the Court of Wards, Surberakars, and tuhsheeldars of estates held under *khas* management, and their agents), nor employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold any property under color of this Act, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall be held to have committed criminal trespass, and shall be subject to the penalties for that offence, in addition to any damages which may be awarded against him in such suit.—*Act* X. 1859 *sec.* 143.

CULPABLE HOMICIDE.

Qutal insán moostalzim ool sazá.

অপরাধ যুক্ত নরহত্যা।

4941. *Def.*—Whoever causes death by doing an act with the intention of causing death or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.—*Act XLV* 1860 *chap.* 16 *sec* 299.

4942. A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z believing the ground to be firm, treads on it, falls in, and is killed. A has committed the offence of culpable homicide.—*Ibid Il. a.*

4943. A, knows Z to be behind a bush. B does not know it. A intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B. fires and kills Z. Here B may be guilty of no offence ; but A has committed the offence of culpable homicide.—*Ib id, Il b.*

4944. A, by shooting at a fowl with intent to kill and steal it, kills B who is behind a bush, A not knowing that he was there. Here although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or cause death by doing an act that he knew was likely to cause death.—*Ibid, Il. c.*

4945. A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.—*Act XLV.* 1860 *sec.* 299 *chap.* XVI *Expla.* 1.

4946. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.—*Ibid, Ex.* 2.

4947. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been broughtforth, though the child may not have breathed or been completely born.—*Ibid, expl.* 3.

4948. In this country as in England constables and other Police Officers are specially protected by law, when acting in the execution of their duty. The homicide of a Police Officer is presumed to be malicious and an act of murder; and proof of matter of excuse in externation lies on the party charged, which proof may appear either from evidence adduced by the prosecutor or from evidence offered by the prisoner, whereas in other cases the question whether a crime is murder or manslaughter is to be decided upon the evidence produced, and not upon any presumption arising from the mere act of killing. When the right to arrest does not exist, or does not exist in the form in which it is attempted to be exercised, the Officer attempting the arrest has no protection either from his Office or even from the fact of the party being an offender; the Officer becomes a mere private individual, and the person on whom the arrest is endeavoured to be made may lawfully resist, and in resisting may lawfully employ all the means requisite for him.—*Report L. P.* 1858 *Page* 517.

4949. In order to justify a finding of culpable homicide, there must be a sufficient provocation, and the fatal stroke or strokes must be clearly traceable to the influence of passion arising from it.—*Ibid.*

4950. If a person, by doing any thing which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.—*Act XLV* 1860 *chap.* 16 *sec* 301.

4951	Committing culpable homicide not amounting to murder, if the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death.	May arrest without warrant.	Warrant.	Not bailable.	Transportation for life or ten years' imprisonment and fine.	Court of Session.	*Act XLV.* 1860, *chap. XVI. sec.* 304.
4952	Committing culpable homicide not amounting to murder, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to cause death.	Ditto	Ditto	Ditto	Ten years' imprisonment or fine or both.	Ditto	*Ibid.*
4953	Any person doing any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of culpable homicide not amounting to murder.	Ditto	Ditto	Bailable.	3 years' im. or fine or both.	Ditto	*Ibid, sec.* 308.
4954	Ditto Ditto if heart is caused to any person by such act.	Ditto.	Ditto.	Ditto.	7 years' imprisonment or fine or both.	Ditto	*Ibid.*

4954A. A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.—*Act XLV.* 1860, *chap.* 16, *sec.* 308, *Illus a.*

See murder.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence	Whether the Police may arrest without Warrant or not.	Whether a warrant or a summon shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
	CUSTOMS LAWS.—BREACH OF *Khilaf urzee qanon Custom* মাসুলের আইনের বিপরীতাচরণ।						
4955	Any person evading or attempting to evade the payment of the duties imposed by Act XIV. of 1843, aiding or abetting such attempts or evasions, or in any manner acting in contravention of the said Act or of any order made and issued under the provisions thereof; and all Zumeendars and proprietors of land or their agents wilfully conniving at such attempts or evasions or aiding such acts.	Shall not arrest without warrant.	Summons	Bailable	500 Rs. fine and in default of payment 6 months' im.	Magistrate of District.	*Act XIV.* 1843. *sec.* 7.
4956	Custom Officer searching any carriage, conveyance or any package without reasonable grounds of suspicion.	Ditto	Ditto	Ditto	250 Rs. fine commutable if not paid to 3 months' im.*	Ditto	*Ibid, sec.* 11.
4957	Custom Officer apprehending any person without reasonable ground of suspicion that such person is liable to punishment under this Act.	Ditto	Ditto	Ditto	500 Rs. fine and in default of payment 6 months' im.*	Ditto	*Ibid.*
4958	If any pilot, Officer of customs, or other person authorized to receive a report or manifest from any Master or commander of a vessel shall refuse so to do.	Not arrest without warrant.	Ditto.	Ditto.	500 Rs. fine.	Magistrate†	*Act VI.* 1863, *sec.* 37.
4959	If any Master or commander of a vessel shall refuse to allow such vessel or any box, place, or closed receptacle in such vessel to be searched when so required by an Officer of Customs bearing a written order to search; or if an Officer of customs shall place any lock, mark, or seal upon any goods, and such lock, mark or seal shall be wilfully opened, altered, or broken, before due delivery of such goods; or if any such goods shall be secretly conveyed away; or if any hatch way or entrance to the hold,	Ditto.	Ditto.	Ditto.	1,000 Rs.	Ditto.	*Ibid, sec.* 45.

* Fine to be paid to the party aggrieved.

† The word Magistrate as used in this Act includes every Officer exercising the powers of a Magistrate.—*Act VI.* 1863, *sec* 3, *cl* 6.

	after having been fastened down by an Officer of Customs, shall be opened without his permission, in every such case the Master or commander of such vessel shall be liable, upon conviction before a Magistrate, to a penalty not exceeding						
4960	If any goods entered to be warehoused shall be carried into the warehouse, unless with the authority or under the care of the proper Officers of Customs, and in such manner, by such persons, within such time and by such roads or ways, as such Officers shall direct, such goods shall be liable to confiscation, and the person so carrying them shall be liable to a penalty not exceeding	Ditto	Ditto	Ditto	1,000 Rupees	Ditto	*Act VI* 1863 *sec* 80
4961	If the keeper of any public warehouse, or the person who has obtained a license for any private warehouse, shall neglect to stow the goods warehoused therein, so that easy access may be had to every package and parcel thereof, he shall for every such neglect be liable to a penalty not exceeding	Ditto	Ditto.	Ditto	50 Rupees	Ditto	*Ibid, sec* 84
4962	If the keeper of any public warehouse, or the person who has obtained a license for any private warehouse, shall fail, on the requisition of any Officer of Customs, to produce any goods which shall have been deposited in such ware house, and which shall not have been duly cleared and delivered therefrom, he shall, for every such neglect, be liable not only to pay the duties due on such goods, but also to a penalty not exceeding	Ditto	Ditto	Ditto	50 Rupees in respect of every package or parcel so missing or deficient	Ditto	*Act VI* 1863, *sec* 85
4963	If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or after being duly warehoused shall be fraudulently concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment, such goods shall be liable to confiscation						*Act VI* 1863 *sec* 86
4964	The Officer in charge of the Custom House, or any Officer deputed by him for the purpose shall have access to any private warehouse licensed under this Act, and if the person who has obtained a license for any such private warehouse shall not open the same when required so to do, by any Officer entitled under this Act or under any other law to have access thereto or shall, upon demand made by any such Officer at any time within the hours of business at the port, refuse access to any such Officer, such person shall be liable to a penalty not exceeding	Ditto	Ditto	Ditto	1,000 Rs and license can be forthwith cancelled and withdrawn	Ditto	*Act VI* 1863, *sec.* 88.

1	2	3	4	5	6	7	8
Paras. of this Book	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4965	The importer, owner, or consignee of any warehoused goods or the agent or any person in the employ of such importer, owner, or consignee, clandestinely opening any warehouse, or, except in presence of the proper Officer of Customs, gaining access to his goods.	Not arrest without warrant.	Summons	Bailable	1,000 Rupees.	Magistrate.	*Act VI.* 1863, *sec.* 91.
4966	If any goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom; the person who obtained the license for such warehouse shall, unless the deficiency be accounted for to the satisfaction of the Officer in charge of the Custom House, be liable to a penalty equal to five times the duty chargeable on the goods so deficient. Provided that nothing in this Section shall apply to any wines, spirits, beer or salt, the deficiency in which is proved to be due solely to ullage or wastage; and that it shall be competent to the chief customs authority of any Presidency or place to direct, in respect to any such article, and for the purposes of this Section, that allowance be made in any special case for a rate of ullage or wastage exceeding that contemplated in sec. 95 of Act 6, 1863.						*Act VI.* 1863, *sec.* 96.
4967	If any goods loged in a private warehouse shall be found to exceed the registered quantity, such excess, unless accounted for to the satisfaction of the Officer in charge of the Custom house, shall be charged with five times the ordinary duty thereon. When any penalty shall be incurred under this or the last preceding Section, the goods in respect for which such penalty is incurred shall not be removed until the penalty is paid.						*Act VI.* 1863, *sec.* 97.
4968	If any goods shall be taken out of any warehouse otherwise than as is provided in this Act, the bonder shall forthwith pay the duties due upon such goods; and every person who shall so take out any goods without payment of duty, or who shall aid,	Shall not arrest without warrant.	Summons	Bailable.	1,000 Rupees.	Magistrate See Note to 4958.	*Act VI.* 1863, *sec.* 100.

	assist, or be concerned therein, shall, in every such case, be liable to a penalty not exceeding 1,000 Rs. If the person so offending be an Officer of Customs not acting in execution of his duty and be prosecuted to conviction by the importer, owner or consignee of such goods, no duty shall be payable in respect of such goods, and any damage so occasioned by such Officer shall, with the sanction of the chief Customs authority of the Presidency or place, be repaid by the Officers incharge of the Custom House to such importer, owner or consignee.						
4969	Except when duly appointed by the Master attendant at any port, or by some other Officer duly empowered in that behalf by the Local Government, no Pilot shall take charge of any vessel proceeding to sea, unless the master or commander of such vessel shall produce a port clearance. Every person convicted before a Magistrate of an infraction of this Rule, shall be liable to a penalty not exceeding	Ditto.	Ditto.	Ditto.	1,000 Rupees.	Ditto.	*Act VI.* 1863, *sec.* 127.
4970	No person shall act in any Custom House as an agent for the transaction of any business relating to the entrance or clearance of any vessel, goods, or baggage, unless authorized so to do by the Officer in charge of the Custom House. It shall be lawful for such Officer to require any person so authorized to give a bond with sufficient securities in any sum not exceeding 5 000 Rupees for the faithful behaviour of such person as regards the Custom House Regulations and Officers. Acting as an agent without being so authorized	Ditto	Ditto.	Ditto.	500 Rupees.	Ditto.	*Act VI.* 1863, *sec.* 174.

4971. Every person detained on the ground that he has been guilty of an offence under this or any other Act relating to the Customs, shall forthwith be taken before the nearest Magistrate, or Officer in charge of a Custom House.—*Act VI.* 1863, *sec.* 201.

4972. When any person, detained on the ground that he has been guilty of an offence against this or any other Act relating to the Customs, shall be taken before a Magistrate, such Magistrate may, if he see reasonable cause, order such person to be detained in gaol or in the custody of the Police for such time as shall be necessary to enable such Magistrate to communicate with the Officers of Customs. Provided that any person so detained shall be liberated on giving recognizance or securiry to the satisfaction of the Magistrate to appear at such time and place as shall be appointed by such Magistrate for his appearance.—*Ibid, sec.* 202.

4973. If any person liable to be detained under this or any other act relating to the Customs, shall not be detained at the time of committing the offence for which he is so liable, or shall, after detention, make his escape, such person shall at any time afterwards be liable to be detained and taken before a Magistrate, to be dealt with as if he had been detained at the time of committing such offence.—*Ibid, sec* 203.

4974. When any person employed on the crew of any of Her Majesty's ships, shall be detained under this or any other act relating to the Customs, the detaining Officer shall forthwith give notice thereof to the Commanding Officer of the ship, who shall thereupon place such person in security on board of such ship, until the detaining Officer shall have obtained a Warrant from a Magistrate for bringing up such person to be dealt

with according to law. A Magistrate shall duly grant a warrant upon complaint made to him by the detaining Officer, stating the offence for which the person is detained.—*Act VI.* 1863, *sec.* 204.

4975. When any vessel or goods shall be seized or any person shall be detained under this or any other act relating to the Customs, it shall be the duty of the Officer or other person making such seizure or detention, on demand of the person in charge of the vessel or goods so seized, or of the person so detained, to give to such person a statement in writing of the reason for such seizure or detention.—*Ibid, sec.* 205.

4976. When any goods liable to confiscation under this or any other act relating to the Customs, shall be seized by any Police Officer on suspicion that they had been stolen, it shall be lawful for such Officer to carry such goods to any Police Station or Court at which a complaint or information connected with the stealing or receiving of such goods shall have been made, or an inquiry connected with such stealing or receiving shall be in progress, and there to detain such goods until the dismissal of such complaint or information, or the conclusion of such enquiry or of any trial thence resulting. In every such case the Police Officer who seized the goods shall send a written notice of their seizure and detention to the nearest Custom House, and immediately after the dismissal of the complaint or information, or the conclusion of the enquiry or trial the said Police Officer shall cause such goods to be conveyed to and deposited at the nearest Custom House, to be there proceeded against according to law. If any Police Officer whose duty it is under this Section, to send a written notice or cause goods to be conveyed to a Custom House, shall neglect so to do, such Officer shall be liable to a penalty not exceeding one Hundred Rupees.—*Ibid, sec.* 206.

4977. Any duly empowered Officer of Customs or other person duly employed for the prevention of smuggling, may search any cart, or other means of conveyance for smuggled goods; provided that such Officer shall have reasonable ground to suppose that smuggled goods are contained therein.—*Ibid, sec.* 207.

4978. It shall be lawful for the Magistrate of a District or Division of a District on application by an Officer in charge of a Custom House, stating his belief that dutiable or prohibited goods are secreted in any place in each District or Division, to issue a Warrant to search for such goods. Such Warrant shall be executed in the same way, and shall have the same effect, as a search Warrant, issued under the Code of Criminal Procedure.—*Ibid, sec* 208.

4979. Any Officer of Customs duly employed in the prevention of smuggling may search any person on board of any vessel or boat in any Port in British India or any person who shall have landed from any vessel or boat. Provided that such Officer shall have reasonable ground to suppose that such person has dutiable or prohibited goods secreted about his person. If any person on board of any such vessel or boat, or who may have landed from any such vessel or boat, shall, upon being asked by any such Officer whether he has dutiable or prohibited goods about his person or in his possession, affirm that he has not, and if any such goods shall, after such denial, be discovered to be or to have been upon the person or in the possession of such persons such goods shall be liable to confiscation, and such person shall be liable to a penalty not exceeding three times the value of such goods. —*Ibid, sec.* 209.

4980. When any Officer of Customs is about to search any person under the provisions of the last preceding Section, such person may require the said Officer to take him, previous to search, before the nearest Magistrate or Officer in charge of a Custom House. If such requisition be made, the Officer of Customs may detain the person making it until he can bring him before the nearest Magistrate or Officer in charge of a Custom House. The Magistrate or Officer in charge of a Custom House before whom any person shall be so brought, shall, if he see no reasonable ground for search, forthwith discharge such person; but if otherwise, shall direct that the search be made. A female shall not be searched by any but a female.—*Ibid, sec.* 210.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4981	Officer of Customs requiring any person to be searched, for dutiable or prohibited goods, without having reasonable ground to believe that he has such goods about his person.	Not without warrant.	Summons	Bailable.	100 Rupees fine.	Magistrate. See Note to 4958.	*Act VI.* 1863, *sec.* 211.
4982	Officer of Customs, or other person duly employed for the prevention of smuggling, being guilty of a wilful breach of the provisions of this or any other Act relating to the Customs.	Ditto.	Ditto.	Ditto.	2 years' simple im. or fine or both.	Ditto.	*Ibid, sec.* 212.
4983	Any Officer of Customs, or other person duly employed for the prevention of smuggling, practising or attempting to practise any fraud for the purpose of injuring the Customs revenue, or abetting or conniving at any such fraud or any attempt to practise any such fraud.	Ditto.	Ditto.	Ditto.	2 years' im. or fine or both.	Ditto.	*Ibid, sec.* 213.
4984	No suit, action or other proceeding shall be commenced against any person for any thing done in pursuance of this Act, without giving to such person a month's previous notice, in writing of the intended suit, action, or other proceeding and of cause thereof, nor after the expiration of three months from the accrual of the cause of suit, action or other proceeding.						*Ibid, sec.* 214.
4985	Intentionally obstructing any Officer of Customs or other person duly employed for the prevention of smuggling in the exercise of any powers given under this Act to such Officer or person.	Ditto.	Ditto.	Ditto.	6 months' im. or 1,000 Rs. fine or both.	Ditto.	*Ibid, sec.* 215.
4986	Knowingly making or signing any declaration or document used in the transaction of any business relating to the Customs, such declaration or document being false in any particular; or counterfeiting, falsifying, or fraudulently altering or destroying any such document, or any seal, signature, initials, or other mark made or impressed by any Officer of Customs in the transaction of any business relating to the Customs; or refusing or neglecting to produce any document, when required to do so under this or any other Act relating to the Customs, or not truly answering any question which the offender is required under this or any other Act relating to the Customs to answer when put to him by an Officer of Customs.	Ditto.	Ditto.	Ditto.	1,000 Rs. fine.	Ditto.	*Ibid, sec.* 216.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
4987	Subscribing or attesting any declaration of the value of any goods upon an application to pass such goods through the Custom House, if the offender be not the importer, owner or consignee of such goods, or have not proper and sufficient authority from the importer, owner or consignee.	Not without war rant.	Summons	Bailable	1,000 Rs. fine.	Magistrate. See Note to 4958.	*Act VI.* 1863 *sec* 217.

4988. In every case in which under this Act, any vessel, cart, or other means of conveyance, or any horse or other animal is liable to confiscation ; or any goods are liable to confiscation or to increased rates of duty ; or any person in charge of or owning a vessel, or landing or shipping goods or passing them through the Custom House is liable to a penalty, an Officer in charge of a Custom House may, unless it be otherwise provided in this or any other act relating to the Customs adjudge such confiscation, penalty, or increased rates of duty.—*Act VI.* 1863, *sec.* 218.

4989. In respect to cases cognizable under the last preceding Section by an Officer in charge of a Custom House, the Local Government may empower any Officer of Customs in like-manner to adjudge any confiscation, penalty, or increased rates of duty. Provided that the power to adjudge confiscation shall not extend, as regards a Deputy Collector, to goods of a greater value than one thousand Rupees, nor as regards an assistant Collector, or other subordinate Officer to goods of a greater value than one hundred Rupees ; and that the power to adjudge a penalty shall not extend as regards a Deputy Collector to a sum exceeding fifty Rupees, nor as regards an Assistant Collector, or other subordinate Officer, to a sum exceeding ten Rupees.—*Ibid, sec.* 219.

4990. In any case adjudicated by an Officer of Customs, any party aggrieved by the award may appeal to the chief Customs authority, of the Presidency or place, or to any superior Officer of Customs empowered in that behalf by the Local Government. It shall thereupon be lawful for such authority or superior Officer to make such further enquiry, and to pass such order as he shall think proper, confirming, altering, or annulling the original award. Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation, penalty, or rates of duty than shall have been adjudged against him in the original award.—*Ibid, sec.* 220.

4991. The award of any confiscation, penalty, or increased rates of duty under this Act by an Officer of Customs shall not interfere with any punishment to which the person affected thereby shall be liable under any other law.—*Ibid, sec.* 221.

4992. All offences against this act, other than those cognizable under section 218 of this Act by an Officer in charge of a Custom House, may be adjudicated in a summary manner by a Magistrate.—*Ibid, sec.* 222.

4993. If, upon consideration of the circumstances under which any penalty or confiscation has been adjudged under this Act, by an Officer of Customs or by a Magistrate, the Chief Customs Authority of the Presidency or place shall be of opinion that such penalty or confiscation ought to be remitted in whole or in part, or commuted, such Chief Customs Authority may remit the same or any portion thereof, or may commute any order of confiscation to a penalty not exceeding the value of the goods ordered to be confiscated.—*Ibid, sec.* 223.

4994. When a penalty is adjudged against any person under this Act, by any Officer of Customs, it shall be lawful for such Officer, if the penalty be not paid, to levy the same by sale of any goods of the said person which may be in his charge, or in the charge of any other Officer of Customs. When an Officer of Customs, who has adjudged a penalty against any person under this Act, shall fail to realize the unpaid amount of such penalty from the goods of such person it shall be lawful for such Officer to notify in writing to any Magistrate whithin whose jurisdiction such person or any goods belonging to such person shall be, the name and residence of the said person and the amount of penalty unrecovered ; and such Magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if the penalty has been adjudged by himself. —*Act VI.* 1863, *sec.* 224.

4995. When a penalty or fine is adjudged against any person under this Act by a Magistrate, such Magistrate shall, at the same time, fix, within the following limits, a period of imprisonment in default of payment of such penalty or fine :—

If the penalty or fine do not exceed fifty Rupees, the term of imprisonment to be fixed in default of payment shall not exceed one month.

If the penalty or fine do not exceed one hundred Rupees, the term of imprisonment to be fixed in default of payment shall not exceed two months.

If the penalty or fine do not exceed five hundred Rupees, the term of imprisonment to be fixed in default of payment shall not exceed four months.

When the penalty or fine exceeds five hundred Rupees, the term of imprisonment to be fixed in default of payment may extend to six months.

It shall be lawful for the Magistrate at any time to enforce payment of any penalty or fine or of any portion thereof by Distress and sale of goods of the defaulter.—*Ibid, sec.* 225.

4996. The imprisonment which is imposed in default of payment of fine or penalty under this or any other Act relating to the Customs shall terminate whenever that fine or penalty is either paid or levied by process of law.—*Ibid, sec.* 226.

4997. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine or penalty be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine or penalty shall unpaid, the imprisonment shall terminate.—*Ibid, sec.* 227.

4998. When the confiscation of any vessel, cart or other means of conveyance, horse or other animal or any goods shall be adjudged under section 218 or section 229 of this Act, the property in such vessel, means of conveyance, animal, or goods shall thereupon vest in Her Majesty. It shall be the duty of the officer adjudging confiscation to take and hold possession of the same, and it shall be the duty of every Officer of Police on the requisition of such Officer to assit him in taking and holding such possession.—*Ibid, sec.* 228.

4999. The proceeds of all confiscations, and penalties imposed under this Act shall, after deducting therefrom all Government demands, be paid into a General Fund, out of which it shall be lawful for the chief Customs Authority of the presidency or place to grant a reward to any person by whose information, assistance, or instrumentality, any seizure shall have been made or any offence punished.—*Ibid, sec.* 229.

DACOITY.

Dacoity.

ডাকাইতী।

5000. *Def.*—When five or more persons conjointly commit or attempt to commit a robbery. or where the whole number of persons conjointly committing or attempting to commit a robbery and persons present and aiding such Commission or attempt amount to five or more, every person so committing, attempting, or aiding is said to commit " Dacoity."—*Act XLV.* 1860, *chap.* 17 *sec.* 391.

1	2	3	4	5	6	7	8
Parns. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5001	Committing Dacoity.	May arrest without warrant.	Warrant	Not bailable.	Transportation for life or 10 years' rigorous im. and fine.	Court of Session.	*Act XLV.* 1860, *chap.* 17, *sec.* 395
5002	If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with.	Ditto.	Ditto.	Ditto.	Death or do. do. do.	Ditto.	*Ibid, sec.* 396.
5003	If, at time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person.	Ditto.	Ditto.	Ditto.	Not less than 7 years' im.	Ditto.	*Ibid, sec.* 397.
5004	If at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 398.
5005	Making any preparation for committing dacoity.	Ditto.	Ditto	Ditto.	10 years' rigorous im. and fine.	Ditto.	*Ibid, sec* 399.
5006	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto.	Ditto.	Ditto.	Ditto ditto or transportation for life and fine.	Ditto.	*Ibid, sec.* 400.
5007	Being one of five, or more persons assembled for the purpose of committing Dacoity.	Ditto.	Ditto.	Ditto.	7 years' rigorous im and fine.	Ditto.	*Ibid, sec.* 402.

DEFAMATION.

Izálá hyeseeat oorfee.

অপবাদ।

5008 *Def.*—Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.—*Act XLV.* 1860, *chap.* XXI. *sec.* 499.

5009. It may amount to defamation to impute any thing to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.—*Ibid, expl.* 1.

5010. It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.—*Ibid, expl* 2.

5011. An imputation in the form of an alternative or expressed ironically may amount to defamation.—*Ibid, expl.* 3.

5012. No imputation is said to harm a person's reputation unless that imputation directly or indirectly in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.—*Ibid, expl.* 4.

5013. A says—"Z is an honest man, he never stole B's watch," intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.—*Ibid, Illus. a.*

5014. A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.—*Ibid, Illus. b.*

5015. A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.—*Ibid, Il. c.*

5016. It is not defamation to impute any thing which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.—*Ibid, Exception* 1.

5017. It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.—*Ibid, Excep.* 2.

5018. It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question and respecting his character, so far as his character appears in that conduct, and no further.—*Ibid, Excep.* 3.

5019. It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.—*Ibid, Illustration.*

5020. It is not defamation to publish a substantially true report of the proceedings of a Court of Justice or of the result of any such proceedings.—*Ibid, Except.* 4.

5021. A Justice of the Peace or other Officer holding an enquiry in open Court preliminary to a trial in a Court of Justice is a Court within the meaning of the above section.—*Ibid, Explanation.*

5022. It is not defamation to express in good faith any opinion whatever respecting the merits of any case, Civil or Criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.—*Ibid, Exception.* 5.

5023. A say's—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith; inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness and no further.—*Ibid, Illus. a.*

5024. But if A says—"I do not believe what Z asserted at that trial, because I know him to be a man without veracity;"—A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.—*Ibid, Il. b.*

5025. It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author, so far as his character appears in such performance, and no further.—*Ibid, Exception* 6.

5026. A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.—*Ibid, Explanation.*

5027. A person who publishes a book, submits that book to the judgment of the public—*Ibid, Il. a.*

5028. A person who makes a speech in public, submits that speech to the judgment of the public.—*Act XLV.* 1860, *sec.* 499, *Excep.* 6, *Il. b.*

5029. An actor or singer who appears on a public stage, submits his acting, or singing to the judgment of the public.—*Ibid, Il. c.*

5030. A says of a book published by Z "Z's book is foolish, Z must be a weak man. Z's book is indecent, Z must be a man of impure mind." A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.—*Ibid, Il. d.*

5031. But if A says—"I am not surprised that Z's book is foolish and indecent, for he is weak man, and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.—*Ibid, Illus e.*

5032. It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.—*Ibid, Exception* 7.

5033. A Judge censuring in good faith the conduct of a witness, or of an Officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster; whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his Bank for the conduct of such cashier as such cashier are within this exception.—*Ibid, Illustration.*

5034. It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.—*Ibid, Exception* 8.

5035. If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father; A is within this exception.—*Ibid, Illustration.*

5036. It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it or of any other person or for the public good.—*Ibid, Exception* 9.

5037. A, a shop-keeper, says, to B, who manages his business, "sell nothing to Z unless he pays you ready money for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith, for the protection of his own interests.—*Ibid, Illus. a.*

5038. A, a Magistrate in making a report to his superior Officer casts an imputation upon the character of Z. Here if the imputation is made in good faith and for the public good, A is within the exception.—*Ibid, Illus. b.*

5039. It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested, or for the public good.—*Ibid, Exception* 10.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5040	If any person defames another	Not without warrant.	Warrant.	Bailable.	2 years' simple im. or fine or both.	Magistrate of District.	*Act XLV.* 1860, *chap.* 21, *sec.* 500
5041	Printing or engraving any matter, knowing or having good reason to believe that such matter is defamatory of any person	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 501.

5042	Selling or offering for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 502.
	DESERTION. *Nowkaree sé bhóg jánd.* পলায়ন।						
5043	Abetting the desertion of any Officer, soldier, or sailor, in the Army or Navy of the Queen.	May arrest without warrant.	Warrant.	Ditto.	2 years' im. or fine or both.	Magistrate of District.	*Act XLV.* 1860, *chap.* 7, *sec.* 135
5044	Any person who, except as hereinafter excepted, knowing or having reason to believe that an Officer, soldier, or sailor, in the Army or Navy of the Queen has deserted, harbours such Officer, soldier or sailor.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid sec.* 136.
5045	This provision does not extend to the case in which the harbour is given by a wife to her husband.						*Ibid, excep.*
5046	The master or person in charge of a merchant vessel, on board of which any deserter from the Army or Navy of the Queen is concealed, shall, though ignorant of such concealment, be liable to the penalty mentioned in col. 6, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.	Shall not arrest without warrant.	Summons	Bailable.	Fine not exceeding 500 Rs.	Ditto.	*Act XLV.* 1860, *chap.* 7, *sec.* 137
	EMBANKMENTS. *Bandh.* বাঁধ।						
5047	Wilfully obstructing any duly authorized person in removing or levelling any embankment, house, hut or other building.	Not without warrant.	Summons	Bailable.	6 months' im. or 200 Rs. fine commutable if not paid to 6 months' im. more or both.	Any Magistrate.	*Act* XXXII.* 1855, *sec.* 15.
5048	Wilfully, and without due authority, cutting through, or attempting to cut through, any embankment, whether public or private, or destroying, or attempting to destroy, any such embankment, or opening any sluice or water course in any such embankment.	May arrest without warrant.	Ditto.	Ditto.	1 year's im or 200 Rs. fine commutable if not paid, to 1 year im. more or both. If the Magistrate thinks this punishment insufficient he will commit to the Sessions Judge who can award 7 years' im. or fine or both.	Ditto.	*Act* XXXII.* 1855, *sec.* 16.

* This Act applies only to the Territories under the Government of Bengal.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5049	Damaging any public embankment by making any dam or other obstruction for the purpose of diverting or opposing the current of an embanked river without the permission of the Officer in immediate charge of the embankments, or by refusing or neglecting to remove any such dam or obstruction at the proper season, or by cutting or otherwise altering the banks of any embanked river, or by removing the earth from such embankment, or by grazing or tothering any cattle or other animals on any such embankment, or by driving stakes into, or cutting or rootingout grass growing on such embankment, or by any other wilful act destroying or diminishing the efficiency of such embankment.	Shall not arrest without warrant.	Summons	Bailable.	6 months simple im. or 200 Rs. fine or both.	Any Magistrate.	*Act* XXXII. 1855, *sec.* 17.

5050. Any Deputy or Assistant Magistrate may take cognizance of offences under this Act, and may furnish offenders to the extent of the power conferred upon him by the Laws in force with respect to the punishment of misdemeanors —*Act* XXXII. 1855, *sec.* 18.

5051. The provisions of Section 13, Regulations 20 of 1817 (now chapter XII. Act XXV. 1861) shall extend to any charge or information of the offences specified in section 16 of this Act (5048) and Police Officers shall enquire into such offences in the mode and subject to the provisions therein prescribed.—*Act* XXXI. 1855, *sec.* 19.

5052. All sentences and orders passed by a Magistrate, Deputy Magistrate, or Assistant under this Act shall be appealable, subject to the general provisions which regulate appeals —*Ibid, sec.* 20.

EXPOSURE OF INFANTS.

Bachché ko daldená.

শিশু ফেলিয়া যাওন ।

5053	If any person being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child.	May arrest without warrant.	Warrant.	Bailable.	7 years' im. or fine or both.	Court of Session.	*Act XLV.* 1860, *chap.* 16, *sec.* 317.
5054	This Section is not intended to prevent the trial of the offender for murder or culpable homicide as the case may be, if the child die in consequence of the exposure.						*Ibid, explanation.*

EXTORTION.

Istisal biljuber.

অপহরণ।

5055. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or any thing signed, or sealed which may be converted into a valuable security, commits "extortion."—*Act XLV.* 1860, *chap.* 17, *sec.* 383.

5056. A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.—*Ibid, Illus. a.*

5057. A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.—*Ibid, Illus. b.*

5058. A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B, a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond, A has committed extortion.—*Ibid, Illus. c.*

5059. A by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z. signs and deilvers the paper to A. Here as the paper so signed may be converted into a valuable security, A has committed extortion.—*Ibid, Illus. d.*

5060	Committing extortion.	Not without warrant.	Warrant.	Bailable.	3 years' im. or fine or both.	Court of Sessions or Magistrate of District	*Act XLV.* 1860, *chap.* 17, *sec.* 384
5061	If any person, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear of any injury.	Ditto.	Ditto.	Ditto	2 years' im. or fine or both.	Sub. Magte. 1st class.	*Ibid, sec.* 385.
5062	Committing extortion by putting any person in fear of death or of grievous hurt to that person or to any other.	Ditto.	Ditto	Not bailable.	10 years' im. and fine.	Court of Session.	*Act XLV.* 1860, *chap.* 17 *sec.* 386
5063	If any person, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 387.
5064	Committing extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with transportation for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence.	Ditto	Ditto	Ditto	10 years' im. and fine and if the offence be one punishable under section 377, of this code transportation for life.	Ditto	*Ibid, sec.* 388.
5065	If any person, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed or attempted to commit an offence punishable with death or with transportation for life, or with imprisonment for a term which may extend to ten years.	Ditto	Ditto	Ditto	Ditto.	Ditto	*Ibid, sec.* 389.

See Hurt.

5066. In English law, extortion is defined to be the taking of money by an Officer by color of his Office, either where none at all is due, or not so much is due, or where it is not yet due. So the refusal of a public Officer to perform the duties of his Office until his fees have been paid, is extortion. So it is extortion for a ferryman to take more toll than is due by Custom. So when the farmer of a market erected such a number of stalls that the market people had not space to sell their wares, it was held that the taking money from them for the use of the stalls was extortion. Several persons may be indicted jointly, if all are concerned; for in this offence there are no accessaries but all are principals.—*Roscoe. Beaufort p.* 917.

FALSE EVIDENCE.

Jhoota Goahee

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5067. *Def.*—Whoever being legally bound by an oath or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true, is said to give false evidence.—*Act. XLV.* 1860, *chap.* 11, *sec.* 191.

5068. A Statement is whithin the meaning of this Section, whether it is made verbally or otherwise.—*Ibid, Explanation* 1.

5069. A false statement as to the belief of the person attesting, is within the meaning of this Section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.—*Ibid, Expl.* 2.

5070 A in support of a just claim which B. has against Z for one thousand Rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.—*Ibid, Illus. a.*

5070a. In English law it appears that "a man may be indicted for perjury, in swearing that he believes a fact to be true, which he must know to be false." *Archbald* and *Starkie* observe, "It has been said, that a witness must not be examined in chief as to his belief or persuasion, but only as to his knowledge of the fact, since judgment must be given secundum allegata et probata; and a man cannot be indicted for perjury who falsely swears as to his persuasion or belief. As far as regards mere belief or persuasion, which does not rest upon a sufficient or legal foundation, this position is correct; as where a man believes a fact to be true, merely because he has heard it said to be so; but with respect to persuasion or belief as founded on facts within the actual knowledge of the witness, the position is not true. On questions of identity of persons, and of handwriting, it is every days practice for witnessess to swear that they believe the person to be the same, or the handwriting to be that of a particular individual, although they will not swear positively; and the degree of credit to be attached to the evidence is a question for the jury. And with regard to the second objection, it has been decided that a man who falsely swears that he thinks or believes may be indicted for perjury.—*Starkie 4 Ed. p.* 172, *Beaufort p.* 934.

5071. A being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.—*Act. XLV.* 1860, *sec.* 191, *Ib.*

5072 A knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z. A has not given false evidence.—*Ibid, Illus. c.*

5073. A being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing any thing upon the subject. A gives false evidence, whether Z was at that place on the day named or not.—*Ibid, Illus. d.*

5074. A. an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not, and which he does not believe to be a true interpretation or translation. A has given false evidence.—*Ibid, Illus. e.*

5075. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant, as such, or before an arbitrator, and that such circumstance, false entry, or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."—*Act* XLV. 1860, *chap.* 11, *sec.* 192.

5076. A puts jewels into a box belonging to R, with the intention that they may be found in that box, and that this circumstance may cause R to be convicted of theft A has fabricated false evidence.—*Ibid, Illus. a.*

5077. A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of justice, A has fabricated false evidence.—*Ibid, Illus. b.*

5078. A. with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the Officers of the Police are likely to search, A has fabricated false evidence.—*Ibid, Illus. c.*

5079. The Court are pleased to call the attention of all Criminal Authorities to the distinction obtaining between the offence of giving false evidence as defined in Section 191 of the Indian Penal Code, (Act XLV. of 1860) and that of Perjury as explained by Regulation Law now superseded. (2) Under the Mahomedan Law, the making of contradictory statements on oath or solemn affirmation amounted to Perjury and was punishable by the Courts, as such. But under the requirements, of the Penal Code, the mere making of contradictory statements will not constitute the offence of giving false evidence, for a conviction of which it must be proved, 1st that the accused was legally bound by an oath or by an express provision of Law to state the truth, or bound by law to make a declaration upon any subject, 2nd that the statement made is false, and 3rd that the party making it either knew or believed it to be false or did not belive it to be true. (3) It is no longer necessary to constitute the offence of giving false evidence, that the statement should be on a point material to the issue of the case. Any wilful false statement satisfying the before mentioned conditions will amount to the offence of giving false evidence ; and it is within the discretion of the Officer before whom such false statement is made, to order the commitment of the parties for the offence, but this discretion should be exercised with due care and caution.—*C. O. No.* 15, *June* 30, 1862 *W. P.* see 4393.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5080	Intentionally giving false evidence in any stage of a judicial proceeding or fabricating false evidence for the purpose of being used in any stage of a judicial proceeding.	Shall not arrest without warrant.	Warrant.	Bailable.	7 years' im. and fine.	Court of Session.	*Act* XLV. 1860, *chap.* 11, *sec.* 193
5081	Intentionally giving or fabricating false evidence in any other case.	Ditto,	Ditto.	Ditto.	3 years' im. and fine.	Ditto.	*Ibid.*

5082. A trial before a Court Martial or before a Military Court of Request is a Judicial Proceeding.—*Act* XLV. 1860, *chap.* 11, *sec.* 193. *Expl.* 1.

5083. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.—*Ibid, Expl.* 2.

5084. A in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.—*Ibid, Illus.*

5085. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.—*Ibid, Expl.* 3.

5086. A in an enquiry before an Officer deputed by a Court of Justice to ascertain on the spot the boundaries of land makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding A, has given false evidence.—*Ibid, Illus.*

1	2	3	4	5	6	7	8
Paras. of this Book	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5087	If any person gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this code.	Shall not arrest without warrant	Warrant	Not bailable.	Transportation for life or 10 years' rigorous im. and fine.	Court of Session.	*Act* XLV. 1860, *chap.* 11, *sec* 194.
5088	Ditto Ditto, if an innocent person be convicted and executed in consequence of such false evidence.	Ditto.	Ditto.	Ditto.	Ditto or death.	Ditto.	*Ibid.*
5089	If any person gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code is not capital, but punishable with transportation for life or imprisonment for a term of seven years or upwards.	Ditto.	Ditto.	Ditto.	The same punishment as for the offence.	Ditto.	*Ibid, sec.* 195.
5090	A gives false evidence before a Court of Justice, intending thereby to carry Z to be convicted of a Dacoity; the punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to such transportation, or imprisonment with or without fine.						*Ibid, Illustration*
5091	Corruptly using or attempting to use as true or genuine evidence, any evidence which the offender knews to be false or fabricated.	Ditto.	Ditto.	Accor. as the offence of giving such evi. is bailable or not.	Same punishment as for giving or fabricating false evidence.	Ditto.	*Act* XLV. 1860, *chap.* 11, *sec.* 196.

5092	Issuing or signing any certificate required by law to be given or signed or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point.	Ditto.	Ditto.	Bailable.	Same punishment as for giving false evidence	Ditto.	*Act* XLV. 1860 *chap.* 11, 191.
5093	Corruptly using or attempting to use any such certificate (5092) as a true certificate, knowing the same to be false in any material point.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Act* XLV. 1860, *chap.* 11 *sec.* 198
5094	In any declaration made or subscribed by any person, which declaration any Court of Justice, or any public Servant or other person, is bound or authorized by law to receive as evidence of any fact, making any statement which is false and which he either knows or believes to be false, or does not believe to be true, touching any point material to the object for which the declaration is made, or used.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 199.
5095	Corruptly using or attempting to use as true any such declaration (5094) knowing the same to be false in any material point.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Act* XLV. 1860, *chap.* 11, *sec.* 200
5096	A declaration which is inadmisable merely upon the ground of some informality, is a declaration within the meaning of Sections 199 and 200.						*Ibid, explanation*
5097	Whoever knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punished as follows:—						*Act* XLV. 1861, *chap.* 11, *sec* 201
	If the offence is punishable with death.	Ditto.	Ditto.	Ditto.	7 years' im. and fine.	Ditto.	
	If the offence is punishable with transportation for life, or with imprisonment which may extend to ten years.	Ditto.	Ditto.	Ditto.	3 years' im. and fine.	Ditto.	
	If the offence is punishable with imprisonment for any term not extending to ten years.	Ditto.	Ditto.	Ditto.	¼ of the longest term of imprisonment provided for the offence or fine or both.	Ditto.	

5098. A, knowing that B has murdered Z, assists B to hide the body with the intention of screening from punishment A is liable to imprisonment of either description for seven years, and also to fine.—*Act* XLV. 1860, *chap.* 11, *sec.* 201, *Illus.*

5099. The plaint shall be subscribed by the plaintiff and his pleader (if any) and shall be verified at the foot by the plaintiff in the manner following or to the like effect.—"I, A, B, *the plaintiff named in the above plaint do declare that what is stated therein is true to the best of my information and belief.*"

If the plaintiff by reason of absence or for other good cause, be unable to subscribe and verify the plaint, the Court may allow the plaint, to be subscribed and verified on behalf of the plaintiff by any person whom the Court may consider competent to make the verification. In suits by a

corporation or a Company authorized to sue and be sued in the name of an Officer or Trustees, the plaint shall be subscribed and verified on behalf of the corporation or company by any director, Secretary, or other principal Officer of the corporation or company who may be able to depose to the facts of the case.—*Act VIII.* 1859, *sec.* 27, and 28.

5100. The parties or their pleaders may tender at the first hearing of the suit written statements of their respective cases, and the Court shall receive the same and put them on the record, such statements shall be written on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions.—*Ibid, sec.* 120.

5101. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to the other; but each statement shall be confined as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court; written statements shall be subscribed and verified in the manner herein before provided for subscribing and verifiying plaints, and no written statement shall be received unless it be so subscribed and verified.—*Ibid, sec.* 123.

5102. If any plaint, written statement, or declaration in writing required by this Act to be verified shall contain any averment which the person making the verification shall know or believe to be false or shall not know or believe to be true, such person shall be subject to punishment according to the provision of the law for the time being in force for the punishment of giving or fabricating false evidence.—*Ibid, sec.* 24.

5103. The same provision is enacted in regard to the verification of statements in suits before the Collector under Act X. 1859, by sec. 36 of the said Act.

5104. When a judgment debtor in confinement under a decree makes an application to the Court for his discharge on a surrender of the whole of the debtor's property, which application must contain a full account of all the property and must be subscribed and verified by the applicant in the manner provided for subscribing and verifying plaints (sec. 27 and 24, Act VIII. 1859) the Court is to fix a reasonable period within which the plaintiff (decree holder) may cause the property to be attached and sold, or may make proof that the defendant, for the purpose of procuring his discharge without satisfying the decree, has wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith. If the plaintiff shall within the time specified or at any subsequent period prove to the satifaction of the court that the defendant has been guilty of any of the acts above mentioned, the court shall, at the instance of the plaintiff either retain defendant in confinement, or commit him to prison, as the case may be unless he shall have already been in confinement two years on account of the decree; and may also, if it shall think proper, send the defendant to the Magistrate to be dealt with according to law—*Act VIII.* 1859, *secs.* 280 *and* 281.

5105. There can be no charge of perjury on a mere averment of want of recollection; for it is plainly impossible to establish against a party by legal proof, that he recollected any thing, which he has stated on his own part that he did not recollect. —*Reports L. P.* 1851, *page* 599.

5106. A deposition take on oath in the private dwelling of a Sudder Ameen, distant nearly three miles from the Court House, is illegal and cannot be received; consequently the deponent cannot be considered liable to the penalties of perjury if such disposition is false.—*Const. No.* 627.

5107. Perjury cannot be held against a Christian on evidence taken under the solemn declaration prescribed by Act V. 1840, which has reference only to Hindus and Mohamedans.—*Report. W. P.* 1855, *part* 1, *page* 419.

5108 Where the Judge, when hearing an appeal from the decree of the Principal Sudder Ameen in a civil suit, reversed the decision, and further ordered that Officer to enquire regarding the supposed perjury of certain witnesses in the original proceedings, and to commit them for trial, if he should consider the perjury proved; the Court held that the direction was irregular and the commitment vitiated. The witnesses might have been committed either by the Principal Sudder Ameen or by the Judge while the case was pending before himself, but the Judge could not direct the P. S. A. to commit; nor could the latter act when the case was no longer pending before him.—*Reports, W. P.* 1852, *page* 40.

5109. The Civil Courts cannot entertain charges of perjury in cases which are no longer pending; and no authority is given to them to institute a miscelaneous case for the purpose of enquiry into the alleged perjury Reports W. P 1855, part 1, page 770. Where the plaintiff in a civil suit before a Moonsiff produced a person to personate the defendant and to file a confession of judgment, and the Moonsiff put them on their oath and received the pleading without passing any final order, and the parties were subsequently committed for perjury, it was held that the Moonsiff acted regularly as the case was still pending, and that the mere receipt and filing of the confession of judgment did not so dispose of the suit as to require the Court to revive it by a review of judgment.—*Reports W. P. 1853, part 2, page* 1392.

5110. In so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance before the Collectors of land revenue, or other Officer by virtue of the powers vested in them by this regulation, or any other regulation whereby Collectors are vested with judicial powers, their Cutcherry or Office for the time being is to be deemed and held to be a Court of Civil Judicature.—*Reg. VII. 1822, sec.* 23, *cl.* 1

5111. It is not regular to convict of perjury on mere confession of having been instigated to swear falsely, when the truth or falsehood of the fact sworn to, be doubtful; but the confession of the prisoner that he swore falsely is sufficient evidence for conviction of perjury, provided circumstances indicate the falsehood of the deposition charged to be false.—*N. A. R. vol. 1. page* 314; *and vol.* 2, *page* 168.

5112. The original depositions on which the charge of perjury is laid, must be filed in the case.—*Reports L. P.* 1851, *page* 381.

5113. Where the prisoner denied on oath that he had previously given evidence, and was accordingly committed for perjury; and it appeared that in the original deposition the witness was described as about thirty years of age, and that the prisoner appeared on trial to be upwards of fifty; the Nizamut Adawlut held that this discrepancy was sufficient ground for doubting his identity, and accordingly acquited him.—*N. A. R. vol.* 3, *page.* 347.

5114. When, the perjury charged consisted in the prisoner having on oath stated that two persons were present at and attested the execution of a certain deed of gift, and those two persons denied that they were present and attested the deed, he was acquitted on the ground that such conflict of testimony was not sufficient proof of the prisoner's falsehood without evidence to establish the truth of counter statement.—*Reports L. P.* 1855 *part* 2, *page* 354.

5115. A Zamindar sued his tenants for arrears of rent. The latter pleaded payment in full. He had however no receipts. The Putwaree's accounts did not support his averments, and his witnesses were discredited. The result was that, on failure of proof of the special plea, a decree was given against the tenant, who was then with his witnesses indicted for perjury and subornation and sentenced to imprisonment by the Session Judge. The Sudder Court reversed the sentence and directed the release of the prisoners. One of the Judges remarked "The Sessions Judge has held the perjury proved merely on a comparison of the evidence of the four prisoners with that of the prosecution in the suit in the Collectorate, and "of three witnesses adduced by him, amongst whom is the Putwaree, whose books were likewise adduced. This procedure I hold to be a most "dangerous one in this country, in which so little dependence can be placed on oral evidence. The books of the Putwaree are certainly adduced "in support of the prosecutor's statement, but I am not inclined to regard such books as actually gospel. I do not say that I would not have "decreed in favor of the prosecutor, if I had been in the place of the Assistant Collector, but I "certainly would not have committed for perjury as he did. A civil suit must be decreed or dismissed; but it does not follow that the presiding Officer should be so certain of the justness of his decision, that he should commit those witnesses for perjury, whose evidence he has rejected on coming to that decision. I would refer to the precedent noted in the margin, in illustration of my views."

S. D. A. N. W. P. dated 14th June 1855 Mohunt Surrup dyub, appellant V. Mohunt chittumbonath Koomar Swamee, respondent.

Another Judge recorded his opinion thus "A failure to prove an averment in a civil action is not necessarily proof of perjury on the parties "making the averment, neither does it follow that, because parole evidence is discredited, that the deponents must be held to have wilfully stated "what they knew to be false. As remarked by my colleague, a civil suit must be decreed or dismissed, and that upon such evidence as the parties

"lay before the Court. Civil tribunals however act on a less degree of proof than Criminal Courts do; and evidence which would be deemed suffi-
"ciently conclusive for the determination of an issue in a civil action, may be inconclusive when the position of the parties is reversed in a crimi-
"nal prosecution. Such it appears to me is the case in regard to this conviction. In the civil action the *onus probandi* rested on the party plead-
"ing in confession and avoidance. In the criminal case the *onus* is in the prosecution to prove that the statements of deponents were wilfully
"false. The Assistant Collector's decision in the revenue suit is not evidence of perjury, and all that is shown is a conflict of evidence as to the pay-
"ment of the arrear of rent claimed, one set of witness swearing in direct contradiction to the other. In such cases the presumption is in favor of
"innocence, until the contrary be shewn by clear and unequivocal proof. I also agree with my colleague that prosecutions of this nature are danger-
"ous. The effect of such indiscriminate prosecutions must be to deter parties from appearing in our courts. It is only where the facts are clear and
"convincing, that criminal proceedings should be instituted. It is to consider far better, that false or exaggerated statements in civil suits should some
"times escape unpunished, than that parties should be harassed with prosecutions for perjury, on the accusation or instigation of those against whom
"their statements tell.—*Rep. W. P. Govt. V. Butnah and others* 5, *Jany.* 1861, *p.* 1.

5116. It was held in another case that desirable as it is to discourage by the enforcement of the severe penalties provided by the new Civil Procedure Code, the institution of wilfully false claims it is especially incumbent on the Judge to see that the evidence of false verification at the Sessions trials shall be full and complete.—*Rep. W. P. Govt. V. Guneeh Oct* 18, 1861, *p.* 460.

5117. It being a condition of a bond and deed of simple mortgage that in whatever year the mortgage money is paid with interest, in that year will the mortgage be redeemed, held that such a condition is tantamount to the money being payable on demand; and when the execution of the bond is otherwise proved, a charge of perjury would not stand for the plaintiffs' verifying his plaint and the witnesses' deposing to the effect that the money was payable on demand.—*Rep. W. P. Govt. v Luchman Singh and others April* 11, 1862, *p.* 44.

5118. The Sessions Judge convicted a prisoner of perjury, in making, in the same written statement, two statements contradictory of each other. The statements referred to were the following. "Para. 5 distinctly, denies that the ancestor of the prisoner ever executed either deed, or ever paid rent. Para. 2, urges that the deeds sued on are incomplete documents, and that they were never acted on, and on plaintiff's own shewing were written upwards of 12 years ago &c. Para. 6, in like manner, urges technichal objections to the validity of the deeds, and therefore to their acceptance. Para. 7, accuses plaintiffs of having collusively possessed themselves of documents in themselves invalid &c." Held that there is nothing in these several statements inconsistent one with the other; one part of the statement denies the execution of the deeds, the other is devoted to proving that even if executed they are in complete, and, technically, invalid documents; statements in themselves in no way inconsistent with each other, or in themselves sufficient to constitute the offence of false verification.—*Rep. W. P. Govt. V. Yaseen Alee, &c. July* 14, 1862, *p.* 10.

5119. If a person is sworn or makes the usual solemn affirmation when his evidence is first recorded in Court this renders any statement made then, or afterwards, by such witness in that court, a sworn deposition, although the witness had not been again sworn, or even reminded of his former oath when his evidence is recorded afterwards in continuation of his former statement.—*Reg. W. P. Govt. V. Moorlee, March* 4, 1862, *p* 39.

NOTE.

5120. Perjury at common law in England is defined to be a wilful false oath by one who, being lawfully required to depose the truth in any proceeding in a court of justice, swears absolutely in a matter of some consequence to the point in question, whether he be believed or not. The proceedings however are not confined to courts of justice. No oath taken before persons acting merely in a private capacity; or before those who take upon them to administer oaths of a public nature without legal authority; or before those who are authorized to administer some oaths, but not that which happens to be taken before them; or even before those who take upon them to administer justice by virtue of an authority seemingly colourable, but in truth void; can ever amount to perjury in the eye of the law, for they are of no manner of force. But any false oath is punishable as perjury which tends to mislead a court in any of its proceedings relating to a matter judicially before it, though it in no way affects the principal judgement which is to be given in the cause; as an oath made by a person offering himself as bail. And not only such oaths as are

taken on judicial proceedings but also such as any way tend to abuse the administration of justice are properly perjuries, as an oath before a justice to compel another to find sureties of the peace. A man may be indicted for perjury in an oath taken by him in his own cause, as well as in an oath taken by him as a witness in the cause of another person. The object with which the oath was taken need not be carried into effect, for the perjury is complete at the moment when the oath is taken, whatever be the subsequent proceedings; as in the case of an affidavit which could not be received in the Court. It was formerly thought that an oath did not amount to perjury unless sworn in absolute and direct terms, and that if a man swore according as he thought, remembered, or believed only, he could not be convicted of perjury: but the modern doctrine is otherwise: it is said by Lord Mansfield to be certainly true, that a man may be indicted for perjury in swearing that he believes a fact to be true which he knows to be false. So perjury may be committed by swearing to a statement which in one sense is true, but which, in the sense intended to be impressed by the party swearing is false; as where a witness swore that he left the party, whose health was in question, in such a way that, were he to go on as he then was, he would not live two hours; and it afterwards turned out that the man was very well, but had got a bottle of gin to his mouth; and true it was, in a sense of equivocation, that had he continued to pour the liquor down, he would in much less time than two hours have been a dead man. As regards perjury for a mere matter of opinion. Mr. Alison, in his principles of the Criminal Law of Scotland, says, "If the matter sworn to be one of opinion only, as a Medical Opinion, it cannot in the general case be made the foundation of a prosecution for perjury; but though a Medical or scientific opinion cannot in general be challenged as perjury, because the uncertainty and division of opinion in the medical profession is proverbial, yet if it assert a fact, or draw an inference evidently false (as for example, if a medical attendant swear that a person is unfit to travel who is in perfect health, or an architect declare a tenement to be ruined which is in good condition) certainly the gross falsehood of such an assertion shall in neither case be protected by the plea that it related to a matter of professional investigation." Whether a witness can be convicted of perjury, in answer to a question which he could not legally be called upon to answer, but which is material to the point in issue, is doubtful. The defendant although perjury be assigned in his answer, deposition, or affidavit in writing, may prove that an explanation was afterwards given qualifying or limiting the first answer. The materiality of the matter sworn to must depend upon the state of the cause, and the nature of the question in issue. If the oath is altogether foreign from the purpose, not tending to aggravate or extenuate the damages, nor likely to induce the jury to give a readier credit to the substantial part of the evidence, it cannot amount to perjury. As if upon a trial, in which the issue is whether such a one is compos or not, a witness introduces his evidence by giving an account of a journey which he took to see the party, and swears fasely in relation to some of the circumstances of the journey. Also it is said to have been resolved that a witness who swore that one drew his dagger and beat and wounded J. S. when in truth he beat him with a staff, was not guilty of perjury because the beating only was material. In such cases, it is said, it ought to be intended that the question was put in such a manner, that the witness might reasonably apprehend that the sole design of putting it was to be informed of the substantial part of it, which might induce him, through inadvertency, to take no notice of the circumstantial part, and give a general answer to the substantial; for otherwise, if it appear plainly that the scope of the question was to sift him as to his knowledge of the substance by examining him strictly as to the circumstances, and he gave a particular and distinct account of all the circumstances, which afterwards appeared to be false, he cannot but be guilty of perjury, in as much as nothing can be more apt to incline a jury to give credit to the substantial part of a man's evidence, than his appearing to have an exact and particular knowledge of all the circumstances relating to it. Upon these grounds the opinion of the judges seems to be very reasonable, who held a witness to be guilty of perjury who in an action for trespass by sheep deposed that he know the sheep to be the defendants, because they were marked with a mark which he knew to be the defendant's where as in truth the defendant never used such a mark; for the giving such a special reason for his remembrance could not but make his testimony the more credible than it would have been without it; and though it signified nothing to the merits of the cause, whether the sheep had any mark or not, yet in as much as the assigning such as circumstance in a thing immaterial had such a direct tendency to corroborate the evidence concerning what was most material, it was consequently equally prejudicial to the party, and equally criminal in its own nature, and equally tending to abuse the administration of justice as if the matter sworn had been the very point in issue. Evidence is essential, not only to show that the witness swore falsely in fact, but also, as far as circumstances tend to such proof, to show that he did so corruptly, wilfully, and against his better knowledge. There must be proof that the false oath was taken with some degree of deliberation; for if, under all the circumstances of the case, it

appears that it was owing to the weakness rather than the perverseness of the party, as where it is occasioned by surprise or inadvertence, or by a mistake with regard to the true state of the question, this would not amount to voluntary and corrupt perjury.—It is a general rule that the testmony of a single witness is in sufficient to convict on a charge of perjury, because there is in that case only one oath against another: but it seems that this means only, that the contradiction must be proved by not less than two direct witnesses; the taking of the oath and the facts deposed may be proved by one witness only. Also, if the perjury consists in the defendant's having sworn contrary to what he had before sworn upon the same subject, this is not within the rule above-mentioned; for the effect of the defendant's oath in the one case is neutralized by his oath in the other; and proof by one witness will, therefore, make the evidence against the defendant preponderate. But the contradiction of the one oath of the defendant by the other is not enough, for there is nothing to show which of the statements made by the defendant is the false one, where no evidence of the falsity is given. Upon this subject the following observations were made by Holryd J; "Although you may believe that on the one or other occasion the prisoner swore what was not true, it is not a necessary consequence that he committed perjury; for there are cases in which a person might very honestly and conscientiously swear to a particular fact from the best of his recollection and belief, and from other circumstances at a subsequent time be convinced that he was wrong, and swear to the reverse, without meaning to swear falsely either time." So, where the defendant was charged with perjury committed on a trial at the sessions, it was held that a deposition made by him before the Magistrate entirely different from what he swore at the trial, was not in itself sufficient proof that the evidence he gave at the sessions was false, but that other confirmatory proof must be adduced to satisfy the jury that he swore falsely at the trial.—The party prejudiced is a competent witness to prove the offence.—*Roscoe's Digest Beaufort page*. 953.

FORGERY.

Jalsazee.

কৃত্রিম করণ।

5121. *Def.*—Whoever makes any false document or part of a document with intent to cause damage or injury to the public, or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.—*Act XLV.* 1860, *chap.* 18, *sec.* 463.

5122. A person is said to make a false document.

First. Who dishonestly or fraudulently makes, sings seals, or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by, or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed, or

Secondly. Who without lawful authority, dishonestly, or fraudulently by cancellation or otherwise alters a document in any material part thereof after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly. Who dishonestly or fraudulently causes any person to sign, seal, execute, or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or the nature of the alteration.—*Ibid, sec.* 464.

5123. A has a letter of credit upon B, for 10,000 Rupees written by *Z*, A in order to defraud B, adds. a cypher to the 10,000 and makes the sum 1,00,000 intending that it may be believed by B. that Z wrote the letter, A has committed forgery.—*Ibid, Illus. a.*

5124. A without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B, the purchase money, A has committed forgery.—*Ibid, Illus. b.*

5125. A picks up a cheque on a Banker signed by B. payable to bearer but without any sum having been inserted in the cheque, A, fraudulently fills up the cheque by inserting the sum of ten thousand Rupess, A commits forgery.—*Ibid, Illustration c.*

5126. A leaves with B. his agent, a cheque on a Banker signed by A without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand Rupees for the purpose of making certain payments B. fraudulently fills up the cheque by inserting the sum of twenty thousand Rupees, B. commits forgery.—*Ibid, Illus. d.*

5127. A draws a Bill of exchange on himself in the name of B. without B's authority intending to discount it as a genuine Bill with a Banker and intending to take up the Bill on its maturity. Here, as A. draws the Bill with intent to deceive the Banker by leading him to suppose that he had the security of B. and thereby to discount the Bill A. is guilty of forgery.—*Ibid, Illus. e.*

5128. Z's will contains these words "I direct that all my remaining property be equally divided between A. B. and C." A, dishonestly scratches out B's name intending that it may be believed that the whole was left to himself and C. A. has committed forgery.—*Ibid, Illus. f.*

5129. A endorses a Government Promissory Note and makes it payable to Z or his order by writing on the Bill the words, "Pay to Z. or his order" and signinig the endorsement, B dishonestly erases the words "pay to Z, or his order and thereby converts the special endorsement into a blank endorsement. B. commits forgery.—*Ibid, Illus. g.*

5130. A sell and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B dated six months earlier than the date of the conveyance to Z intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.—*Ibid, Illus. h.*

5131. Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z. and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.—*Ibid, Illus. i.*

5132. A writes a letter and signs it with B's name without B's authority certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property. A has committed forgery.—*Ibid, Illustration j.*

5133. A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate, and thereby induce Z to enter an expressed or implied contract for service.—*Ibid, Illus. k.*

5134 A mans signature of his own name may amount to forgery.—*Ibid, Explanation.*

5135. A signs his own name to a Bill of Exchange, intending that it may be believed that the Bill was drawn by another person of the same name. A has committed forgery.—*Ibid, Illus. a.*

5136. A writes the word "accepted on a piece of paper and signs it with Z's name in order that B may afterwards write on the paper a Bill of Exchange drawn by B upon Z and negociate the Bill as though it had been accepted by Z. A is guilty of forgery; and if B knowing the fact draws the Bill upon the paper pursuant to A's intention, B is also guilty of forgery.—*Ibid, Illus. b.*

5137. A picks up a Bill of Exchange payable to the order of a different person of the same name. A endorses the Bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable: here A has committed forgery.—*Ibid Illus. c.*

5138. A purchases an estate sold under execution of a decree against B. B after the seizure of estate in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure with intent to defraud A and to cause it to be believed that the lease was granted before the seizure. B. though he executes the lease in his own name commits forgery, by antidating it.—*Ibid, Illus. d.*

5139. A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a Promissory Note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before. A was on the point of insolvency A has committed forgery under the first head of the definition.—*Ibid, Illus. e.*

5140. The making of a false document in the name of a fictitious person intending it to be believed that the document was made by a real person, or in the name of a deceased person intending it to be believed that the document was made by the person in his life time may amount to forgery.—*Ibid, Explanation*

5141. A draws a Bill of Exchange upon a fictitious person and fraudulently accepts the Bill in the name of such fictitious person with intent to negociate it. A commits forgery.—*Ibid, Illus.*

5142. A false document made wholly or in part by forgery is designated a forged document.—*Act XLV.* 1860, *chap.* XVIII. *sec.* 470.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5143	Committing forgery.	Not without warrant.	Warrant	Bailable.	2 years' im. or fine or both.	Court of Session.	*Act XLV.* 1860 *Ibid, cl.* 18, *sec* 465.
5144	Forgery of a document, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burrial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of Attorney.	Ditto	Ditto	Not bailable.	7 years' im. and fine.	Ditto	*Ibid, sec.* 466.
5145	Forgery of a document which purports to be a valuable security, or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security or to receive the principal, interest, or dividends, thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money or an acquittance or receipt for the delivery of any moveable property or valuable security.	Ditto	Ditto	Ditto	Transportation for life or ten years' im. and fine.	Ditto	*Ibid, sec.* 467.
5146	Committing forgery with the intention that the document forged shall be used for the purpose of cheating.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Act XLV* 1860. *chap.* XVIII *sec.* 468.
5147	Committing forgery with the intention that the document forged shall harm the reputation of any party or with the knowledge that it is likely to be used for that purpose.	Ditto	Ditto	Bailable.	3 years' im. and fine.	Ditto	*Ibid, sec.* 469.

5148	Fraudulently or dishonestly using as genuine any document which the person using it knows or has reason to believe to be a forged document.	Ditto	Ditto	Ditto	Same punishment as for forgery of the document	Ditto	*Ibid, sec.* 471.
5149	Making or Counterfeiting any seal, plate, or other instrument for making an impression intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467 of this Code (5145) or with such intent having in possession any such seal, plate, or other instrument knowing the same to be counterfeit.	Ditto	Ditto	Not bailable.	Transportation for life or 7 years' im. and fine.	Ditto	*Ibid, sec.* 472.
5150	Making or counterfeiting any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this chapter other than section 467, or with such intent having in possession any such seal, plate, or other instrument knowing the same to be counterfeit.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Act XLV.* 1860, *chap.* XVIII. *sec.* 473.
5151	Having in possession any document knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine shall be punished as follows :—	Ditto	Ditto	Ditto	7 years' im. and fine.		*Ibid, sec.* 474.
	If the document is one of the description mentioned in sec. 466 (5144)	Ditto	Ditto	Ditto	Transportation for life or 7 years' im. and fine.	Ditto	
	If the document is one of the description mentioned in sec. 467 (5145)					Ditto	
5152	Counterfeiting upon or in the substance of any material, any device or mark used for the purpose of authenticating any document described in sec. 467 of this Code (5145) intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or there after to be forged on such material, or with such intent having in possession any material upon or in the substance of which any such device or mark has been counterfeited.	Ditto.	Ditto	Ditto	Ditto	Ditto	*Act XLV.* 1860, *chap.* XVIV. *sec.* 475.
5153	Committing the above offence (11) in respect of any document other than those described in Section 467 of this code (5145.)	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 476.
5154	Fraudulently or dishonestly or with intent to cause damage or injury to the pubic or any person, cancelling, destroying, defacing, secreting or attempting to cancel, distroy deface or secret any document which is or purports to be a vill or an authority to adopt a son or any valuable security or committing mischief in respect to such document.	Ditto	Ditto	Ditto	Transportation for life or 7 years' im. and fine.	Ditto	*Ibid, sec.* 477.

5155. A charge of forgery cannot be sustained, when the document alleged to have been forged is not forthcoming.—*N. A. R vol.* 5, *page* 112.

5156. Documents which are proved or suspected to be forgeries are not to be returned to the parties producing them.—*const. No.* 139.

5157. The writing a petition, accusing certain authorities of bribery, under the name of another person, was held to be forgery; as the tendency of such false representation was directly injurious, both to the persons aspersed therein and to the professed writer.—*Reports W. P.* 1854, *part* 1, *page* 365.

5158. It is also essential that the instrument be such as is calculated to obtain false credit, *i e.* that credit which would be due to it if it were genuine. In essential parts it must bear upon the face of it the similitude of the true instrument, but it is not necessary that it should bear an exact resemblance to the original, provided it so far resemble it as to be likely to be mistaken for it by any common observer. Thus it was held that a conviction of forging a subpœna could not be had, when the fabricated document bore neither seal nor signature.—*Reports L. P.* 1853, *part* 1, *page* 43.

5159. Where the prosecutor suspected the prisoner of having forged receipts in his name, and employed a person to obtain from the prisoner such forged receipts, and the commitment was made on the charge of forging these documents, the court held that the mode adopted of entrapping the prisoner into self crimination and the Commission of an overt act of fabrication, did not involve any illegality. Held also that the forgery was complete without publication.—*Reports W P* 1855, *part* 1, *page* 530.

5160. When a Magistrate searched a house for forged papers on the requisition of a Civil Court, before which the suit was pending, it was held that such a proceeding was not warranted by law; and also that a charge of forgery founded on papers so obtained could not be sustained. But the proceedings were not vitiated in regard to papers voluntarily filed, and the proof of the forgery, as established by the production of other papers found in the house when so illegally searched was admitted.—*Reports W. P.* 1855, *part* 1, *pages* 712 *and* 948.

5161. If it appears to any Court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, whether *badshalkee* or otherwise, has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been erased or altered or inserted, or that the denomination or the terms of the tenure in the original grant have been erased or altered, or that the date of the grant has been changed or that the grant has been antedated, the grant is to be adjudged null and void as far as regards the exemption of the land from the payment of revenue, and the land is to be subjected to the payment of revenue accordingly. And any person by whom any such fraud appears to have been committed, or who has been concerned therein, is, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, to be committed or held to bail (according to the circumstances of the case) to take his trial before the Session Court.—*Beng. Reg* XIX. 1793, *sec.* 18; *and Reg.* XXXVII. 1793, *sec.* 13, *Ben Reg.* XLI. 1795, *sec.* 18; *and Reg.* XLII. 1795, *sec.* 13. *Ced. Prov Reg.* XXXI. 1803, *sec.* 13; *and Reg.* XXXVI 1803, *sec.* 13.

5162. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifing any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted, by this regulation (for the registary of deeds), he or they are to be prosecuted on the part of Government in the criminal court of judicature; and the several registers are, as agents for the prosecution, to adopt every legal measure in their power for the proof of the crime and the due execution of the laws against the offender.—*Beng. Reg.* XXXVI. 1793, *sec.* 12. *Ced. Prov. Reg* XVII 1803, *sec.* 12.

5163. Any putwaree who alters, fabricates, falsifies, or mutilates, the accounts of the village to which he belongs, or furnishes to the canoongoe or collector false, fabricated, or mutilated copies of those accounts, is to be held and considered guilty of forgery; and is liable, on conviction before a Sessions Court, to the penalties which are or may be prescribed for that offence in the regulations; and any person, who causes or procures any such forgery, is liable to the same penalties as those convicted of having actually committed the offence.—This rule is applicable to all native agents employed by proprietors or farmers of land in the management of their estates or farms, or in keeping the accounts relating to them; and to proprietors or farmers of land, or their gomashtahs or other Officers, where no putwarees are appointed.—*Reg.* XII. 1817, *secs* 27, 30, *and* 33.

5164. In order to obtain conviction under the preceding rule, it must be shown that the putwaree had a fraudulent intention, and was not acting in good faith.—*Reports W. P.* 1855, *part* 1, *page* 18.

5165. The Calcutta Court held that a charge of uttering a forged document cannot lie against the witness called to prove it merely on the ground of their attesting it on oath. This was ruled in the case of witnesses who swore before the register of deeds that they had witnessed the signing of a forged deed. Reports L. P. 1856, part 1, page 843. But the Western Court held in opposition to the Calcutta Court, after correspondence between the courts, that a Civil Court, making over to the magistrate a case of forgery, can at the same time make over the subscribing witnesses, who have attested the suspected deed, on a charge of aiding and abetting in giving effect to forged deeds, instead of proceeding against them for perjury. They hold that, in the majority of such cases, parties falsely attesting and verifying forged instruments as subscribing witnesses must be regarded as accomplices in the main offence and, indeed, as part of the machinery indispensable for the completion and execution of the fraud.—*Reports W. P.* 1852, *page* 1349, *and* 1855, *part* 1, *page* 948.

5166. An authorized pleader of the Civil Court, though acquitted from want of positive evidence of the charge of forging a document and presenting it to the court, knowing it to be forged, was dismissed from office in consequence of suspicion arising from his having presented a forged deed and bringing forward false witnesses in support of it.—*N. A. R. vol.* 1, *page* 293.

5167. In English law the offence of forgery is defined by Blackstone to be "the fraudulent making or alteration of a writing to the prejudice of another man's right;" and by East to be "a false making, a making *maloanimo* of a written instrument for the purpose of fraud and deceit. But it is not necessary to the sustaining an indictment of forgery at common law, that any prejudice should in fact have happened by reason of the fraud; it is sufficient if it might have happened; nor it is necessary that there should be any publication of the forged instrument. The most usual kind of forgery is, where the party assumes the name and character of a person actually in existence, and by means of credit attached thereto carries his fraud in to effect: but the adoption of a false description and addition, where a false name is not assumed, and there is no person answering the description, has been held not to be forgery. A man may be guilty of forgery by the fraudulent making of an instrument, though in his own name; as if he makes a feoffment of lands to I. S. and afterwards a deed of feoffment of the same lands to I. D. of a date prior to that of the feoffment to I. S. So, if a bill of Exchange, payable to A. B. or order, come to the hands of another person named A. B, not the payee who fraudulently indorses it for the purpose of obtaining the money, this is a forgery. Making an instrument in a fictitious name, or the name of a nonexisting person, is equally forgery, as making it in the name of an existing person: and it is not necessary in order to render the act forgery, that the party should gain any additional credit by the fictitious name. The circumstance that the party making the forged instrument has assumed, and been known by the fictitious name in which it is executed for some time before the making, will not prevent its being a forgery: there being no distinction whether the credit was given to the person of the prisoner, or the name assumed by him; but there must be a fraudulent intent in the particular transaction. It is not material whether the forged instrument be made in such a way, as, were it true, it would be of validity, or not; but then the false instrument must carry on the face of it the semblance of that which is counterfeited, and must not be illegal in its very frame. So, the false making of a will is forgery, although the supposed testator be alive. So a man may be convicted of forging an unstamped instrument, though such instrument can have no operation in law. It is not essential that the forged instrument should in all respects bear an exact resemblance to the real instrument which it purports to be; it is sufficient if it bear a substantial resemblance, such as is calculated to deceive when ordinary and usual observation is given: but it is necessary that the forged instrument should in all essential parts bear upon the face of it the similitude of a true one, so that it be not radically defective and illegal in the very frame of it. As regards the proof it is seldom that direct evidence can be given of the act of forgery. In the case of negotiable securities, the evidence is usually applied to the uttering rather than to the forging, although both are usually charged. Where the instrument is not of a negotiable nature, as in the case of a bond or will, after proof that it has been forged by some one, a strong presumption necessarily arises against the party in whose favour the forgery is made, or who has the possession of it, and seeks to derive benefit from it. Evidence that the forged instrument is in the hand-writing of the prisoner, must, if unexplained, be necessarily strong evidence of his guilt. An intent

otdefraud is an essential ingredient to constitute the offence of forgery. The intent is mostly evidenced by the Act itself, which, from its nature, leaves in general no room for doubt upon the point. The inference is frequently confirmed by the conduct and behaviour of the guilty in the artifices and falsehoods which he employs for the purpose of effecting his object, or of avoiding detection. The subsequent uttering or publication of the forged instrument is admissable, and strong evidence to prove the original design of forging the instrument; and whether the making or uttering of a forged instrument be done with an intent to injure a particular person as alleged, is matter of evidence for a jury. If several combine to forge an instrument, and each execute by himself a distinct part of the forgery, and they are not together when the instrument is completed, they are nevertheless all guilty as principals: as if B make the paper, C engrave the plate, and D fill up the instrument, each without knowing that the others are employed for that purpose, they are all principals. So, if several concur in employing another to make a forged instrument, knowing its nature, they are all guilty of the forgery.—*Roscoe's Digest Beaufort p.* 968.

See coin and Govt. Stamps.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first Instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY. *Fareb ámez óseeqón áór mál kó farebun qabzá se álehidá karná.* প্রতারণা ভাবে দলীল প্রস্তুত ও সম্পত্তির হস্তান্তর করণ।						
5168	Any person dishonestly or fraudulently removing, concealing, or delivering to any person, or transferring or causing to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, its distribution according to law among his creditors or the creditors of any other person.	Shall not arrest without warrant.	Warrant.	Bailable.	2 years' im. or fine or both.	Magistrate of District or subordinate Magistrate of 1st. class.	*Act XLV.* 1860 *chap.* 17, *sec.* 421
5169	Any person dishonestly or fraudulently preventing any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person.	Ditto.	Ditto.	Ditto.	2 years' im. or fine or both.	Ditto.	*Ibid, sec.* 422.
5170	Any person dishonestly or fraudulently signing, executing or becoming a party to any deed or instrument which purports to transfer or subject to any charge, any property or any interest therein and which contains any false statement relating to the consideration for such transfer or charge or relating to the person or persons for whose use or benefit it is really intended to operate.	Ditto.	Ditto.	Ditto.	2 years' im. or fine or both.	Ditto.	*Ibid, sec.* 423.

5171	Any person dishonestly or fraudulently concealing or removing any property of himself or any other person, or dishonestly or fraudulently assisting in the concealment or removal thereof or dishonestly releasing any demand or claim to which he is entitled.	Ditto.	Ditto.	Ditto.	2 years' im. or fine or both.	Ditto.	*Ibid, sec.* 424.
	GOVERNMENT STAMPS. *Stamp sirkàree.* রাজকীয় ষ্টাম্প।						
5172	Counterfeiting or knowingly performing any part of the process of counterfeiting, any stamp issued by Government for the purpose of Revenue.	May arrest without warrant.	Warrant.	Bailable.	Transportation for life or 10 yesrs' im. and fine.	Court of Session.	*Act XLV.* 1860 *chap.* 12, *sec* 255
5173	A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.						*Ibid, Expl.*
5174	Having in possession any instrument or material, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue.	Ditto.	Ditto.	Ditto.	7 years' im. and fine.	Ditto.	*Ibid, sec.* 256.
5175	Making, or performing any part of the process of making, or buying, seling, or disposing of, any instrument, for the purpose of being used, or knowing or having reason to believe that intended to be used, for the purpose of counterfeiting any stamp it is issued by Government for the purpose of revenue.	Ditto.	Ditto.	Ditto.	7 yaars' im. and fine.	Ditto.	*Act XLV.* 1860, *chap.* 12, *sec.* 257
5176	Selling, or offering for sale, any stamp knowing or having reason to believe it to be a counterfeit of any stamp issued by Government for the purpose of revenue.	Ditto.	Ditto.	Ditto.	7 years' im. and fine.	Ditto.	*Ibid, sec.* 258.
5177	Having in possession any stamp knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 259.
5178	Using as genuine any stamp knowing it to be a counterfeit of any stamp issued by government for the purpose of revenue.	Shall not arrest without warrant.	Ditto.	Ditto.	7 years' im. or fine or both.	Ditto.	*Ibid, sec.* 260.

Paras. of this Book.	2 Offence.	3 Whether the Police may arrest without Warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment.	7 By which Court triable	8 Authority.
5179	Fraudulently or with intent to cause loss to Government, removing or efacing from any substance bearing any stamp issued by Government for the purpose of revenue ; any writing or document for which such stamp has been used, or removing from any writing or document a stamp which has been used for such writing or document in order that such stamp may be used for a different writing or document.	Shall not arrest without warrant.	Warrant	Bailable.	3 years' im. or fine.	Court of Sessions.	*Act XLV.* 1860. *chap.* 12, *sec.* 261
5180	Fraudulently or with intent to cause loss to Government using for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used.	Ditto.	Ditto.	Ditto.	2 years' im. or fine or both.	Magistrate of District or Subordinate Magistrate of 1st. Class.	*Ibid, sec.* 262.
5181	Fraudulently or with intent to cause loss to Government erasing or removing from a stamp issued by Government for the purpose of revenue any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly having in possession, or selling or desposing of any such stamp form which such mark has been erased or removed, or selling, or disposing of any such stamp which the person doing so knows to have been used.	Ditto.	Ditto.	Ditto.	3 years' im. or fine or both.	Court of Session.	*Ibid, sec.* 263.

See Stamp Law—Breach of

HOUSE BREAKING.

Naqab Zanee.

দোষ ভাবে পরগৃহে অনধিকার প্রবেশ।

5182. *Def.*—A person is said to commit "house-breaking," who commits house trespass, if he effects his entrance into the house or any part of it in any of the six ways hereinafter described ; or if, being in the house or any part of it for the pu rpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say.

First. If he enters or quits through a passage made by himself or by any abettor of the house trespass, in order to the committing of the house trespass.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. If he enters or quits through any passage which he or any abettor of the house trespass has opened in order to the committing of the house trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house trespass, or in order to the quitting of the house after a house trespass.

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure and to have been unfastened by himself or by an abettor of the house-trespass.—*Act XLV.* 1860, *chap.* 17, *and sec.* 445.

5183. Any out house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this Section.—*Ibid, Explanation.*

5184. A commits house trespass by making a hole through the wall of Z's. house, and putting his hand through the aperture. This is house-breaking.—*Ibid, Il. a.*

5185. A commits house trespass by creeping into a ship at a port hole between decks. This is house-breaking.—*Ibid, Il. b.*

5186. A commits house-trespass by entering Z's house through a window. This is house-breaking.—*Ibbid, Il. c.*

5187. A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. Thie is house-breaking.—*Ibid, Il. d.*

5188. A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house breaking.—*Ibid, Il. e.*

5189. A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house breaking.—*Ibid, Il. f.*

5190. Z is standing in his door way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.—*Ibid, Il. g.*

5191. Z the door keeper of Y, is standing in Y's door way. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to be at him. This is house-breaking.—*Ibid, Il. h.*

5192	Committing lurking house trespass or house breaking.	May arrest without warrant.	Warrant.	Not bailable.	2 years' im. and fine.	Magistrate of District or Subordinate Magistrate of 1st Class.	*Act XLV.* 1860, *chap.* 17, *sec.* 453
5193	Committing lurking house-trespass or house breaking, in order to the committing of any offence punishable with imprisonment.	Ditto.	Ditto.	Ditto.	3 years' im. and fine.	Ditto Ditto or Court of Session.	*Ibid, sec.* 454.
5194	Ditto if the offence intended to be committed is theft	Ditto.	Ditto.	Ditto.	10 years im. and fine.	Ditto.	*Ibid.*
5195	Committing lurking house-trespass or house breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint.	Ditto.	Ditto.	Ditto.	10 years' im. and fine	Court of Session.	*Ibid, sec.* 455.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5196	Causing grievous hurt to any person or attempting to cause death or grievous hurt to any person at the time of committing lurking house trespass or house breaking.	May arrest without warrant.	Warrant	Not bailable.	Transportation for life or 10 years' im. and fine.	Court of Session.	*Act* XLV. 1860 *chap.* 17, *sec.* 459
	HOUSE BREAKING BY NIGHT.						
5197	*Definition.*—Whoever commits house breaking after sunset and before sunrise, is said to commit house breaking by night.						*Act.* XLV. 1860, *chap.* 17, *sec.* 446.
5198	Committing lurking house-trespass by night or house breaking by night	Ditto.	Ditto.	Ditto.	3 years' im. and fine	Court of Session or Magistrate of District or Subordinate Magistrate of 1st Class	*Ibid, sec* 456.
5199	Committing Ditto Ditto in order to the committing of any offence punishable with imprisonment.	Ditto.	Ditto.	Ditto.	5 years' im. and fine.	Ditto.	*Ibid, sec.* 457 *and Act* XXXIII 1861, *sec.* 2.
5200	Ditto Ditto if the offence intended to be committed is theft.	Ditto.	Ditto.	Ditto.	14 years' im. and fine.	Ditto.	*Ibid.*
5201	Committing lurking house-trespass by night or house breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint.	Ditto.	Ditto.	Ditto.	14 years im. and fine.	Court of Session	*Act,* XLV. 1860 *chap.* 17 *sec.* 458
5202	Causing grievous hurt or attempting to cause death or grievous hurt to any person at the time of committing lurking house-trespass by night or house breaking by night.	Ditto.	Ditto.	Ditto.	Transportation for life or 10 years' im. and fine for every person concerned in committing the house breaking.	Ditto.	*Ibid. sec.* 459 *and* 460.

HURT.—CAUSING.

Zarar pahoonchánâ.

পীড়া দেওন।

5203. Whoever causes bodily pain, disease, or infirmity, to any person, is said to cause hurt —*Act* XLV. 1860 *chap* 16 *sec* 319.

5204. The following kinds of hurt only are designated as "grievous."

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.—*Ibid, sec.* 320.

5205. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."—*Ibid, sec.* 321.

5206. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."—*Ibid, sec.* 322.

5207. A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt, and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if, intending or knowing himself to be likely to cause grievous hurt of one kind he actually causes grievous hurt of another kind.—*Ibid, Explanation.*

5208. A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.—*Ibid, Il.*

5209	Voluntarily causing hurt, except in the case provided for by sec. 334 (5224.)	Not without warrant.	Summons	Bailable.	One years' im. or 1000 Rs. fine or both.	Any Magistrate.	*Act XLV.* 1860, *chap. XVI. sec.* 323.
5210	Ditto Grievous hurt except in case provided for by sec. 335 (5225).	May arrest without warrant.	Ditto.	Ditto.	7 years' im. and fine.	Court of Session.	*Ibid, sec.* 325.
5211	Except in case provided for by sec. 334 voluntarily causing hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument, which used as a weapon of offence is likely to cause death, or by means of fire or any heated substance or by means of any poison or any corrosive or explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive in to the blood, or by means of any animal.	Ditto.	Ditto.	Ditto.	3 years' im. or fine or both	Ditto or Magistrate of District or Subordinate Magistrate of 1st Class.	*Ibid, sec.* 324.
5212	Causing grievous hurt by any of the above means except in the case provided by sec. 335.	Ditto.	Ditto.	Not bailable.	Transportation for life or 10 years' im. or fine.	Court of Session.	*Ibid, sec.* 326.
5213	Voluntarily causing hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do any thing which is illegal or which may facilitate the Commission of an offence.	Ditto.	Warrant.	Ditto.	10 years' im. and fine.	Ditto.	*Ibid, sec.* 327.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5214	Ditto grievous hurt for any of the above purposes.	Ditto.	Ditto.	Ditto.	Ditto Ditto transportation for life.	Ditto.	*Ibid, sec.* 329.
5215	Administering or causing to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the Commission of an offence or knowing it to be likely that the offender will thereby cause hurt.	Ditto.	Ditto.	Ditto.	10 years' im. and fine.	Ditto.	*Ibid, sec.* 328.
5216	Voluntarily causing hurt for the purpose of extorting from the sufferer, or from any person interested in him, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in him to restore or cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security.	Ditto.	Ditto.	Bailable.	7 years' im. and fine.	Ditto.	*Ibid, sec.* 330.

5217. A, a Police Officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this Section.—*Act XLV.* 1860, *chap.* 16, *sec.* 330, *Il. a.*

5218. A, a Police Officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.—*Ibid, Il. b.*

5219. A, a Revenue Officer, tortures Z in order to compel him to pay certain arrears of Revenue due from Z. A is guilty of an offence under this Section.—*Ibid, Il. c.*

5220. A, a Zameendar, tortures a ryot in order to compel him to pay his rent. A is guilty of an offence under this Section.—*Ibid, Il. d.*

5221	Voluntarily causing grievous hurt for any of the above purposes.—(5216).	May arrest without warrant.	Warrant.	Not bailable.	10 years' im. and fine	Court of Session.	*Act XLV* 1860 *chap.* 16, *sec.* 331.
5222	Voluntarily causing hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter him or any other public servant from discharging his duty, as such public servant or in consequence of any thing done or attempted to be done by him in the lawful discharge of his duty as such public servant.	Ditto.	Ditto.	Bailable.	3 years' im. or fine or both.	Ditto.	*Ibid, sec.* 332.

5223	Voluntarily causing grievous hurt to any person as aforesaid.	Ditto.	Ditto.	Not bailable.	10 years' im. and fine.	Ditto.	*Ibid, sec.* 333.
5224	Voluntarily causing hurt on grave and sudden provocation, without intending or knowing to be likely to cause hurt to any person other than the person who gave the provocation.	Ditto.	Summons	Bailable.	One month's im. or 500 Rs. fine or both.	Any Magistrate.	*Ibid, sec* 334.
5225	Causing grievous hurt under the above circumstances.	Ditto.	Ditto.	Ditto.	4 years' im. or 2,000 Rs. fine or both.	Court of Session or Magistrate of District.	*Ibid, sec.* 335.
5226	The above two Sections (5224 & 5225) are subject to the same provisos as exception I, sec. 300.						*Ibid, Expt.*
5227	Doing any act so rashly or negligently as to endanger human life or the peasonal safety of others.	Ditto.	Ditto.	Ditto.	3 months' im. 250 Rs fine or both.	Any Magistrate.	*Ibid, sec.* 336.
5228	Causing hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others.	Ditto.	Ditto.	Ditto.	6 months' im. 500 Rs fine or both.	Magistrate of District or Subordinate of 1st. Class.	*Ibid, sec.* 337.
5229	Causing grievous hurt to any person by above means (5228.)	Ditto.	Ditto.	Ditto.	2 years' im. or 1000 Rs. fine or both.	Ditto.	*Ibid, sec.* 338.
	INCOME TAX ACT.*—BREACH OF.						
5230	Any Officer employed to receive or collect any duties under Act XXXII of 1860, fraudulently collecting or attempting to collect any money on account of duties under the said Act from any person not charged or chargeable there with; or fraudulently receiving or collecting, or attempting to do so, from any person more money than is actually charged against him upon his assessment; or receiving or collecting any money whatsoever under color of the said act not paying over and accounting for the whole of such money.	Shall not arrest without warrant.	Summons	Bailable.	6 months' im. 1,000 Rs. fine for every offence and in default of payment 6 months more or till the fine is paid.	Magistrate of District.	*Act* XXXII 1860, *sec.* 195.
5231	Any Officer of the above description employed or authorized to serve any notice or to make any distress, attachment, or sale under the said Act, extorting or obtaining or attempting to do so any sum of money or valuable thing other than such money as he shall have been authorized to receive or collect under the said Act from any person whatever, under color of his employment or authority or as a bribe for forbearing to exercise any employment or authority under the said Act.	Ditto.	Ditto.	Ditto.	Ditto	Ditto.	*Ibid.*

* This Act shall continue in force until the 1st day of August 1865, and no longer.—*Act XXXII*, 1860, *sec* 249.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5232	Any person, not being employed or authorized to serve any notice required to be given or to receive or collect any money under Act XXXII. 1860. falsely pretending that he is so employed or authorized and by such false pretence obtaining or attempting to obtain any money or valuable thing whatsoever from any person.	Shall not arrest without warrant.	Summons	Bailable.	6 months' im. 1,000 Rs. fine for each offence	Magistrate of District	*Act* XXXII. 1860, *sec.* 196.
5233	Any person employed or pretending to be employed to make any distress under the said Act knowing by entering the apartments of any Hindoo or Mahomedan wowan, which, by the usage of the country, are deemed private, or forcing open the outer door of a dwelling house contrary to the provisions of Par. 17 of the said Act.	Ditto.	Ditto.	Ditto.	3 months' imprisonment.	Ditto.	*Ibid, sec.* 197.
5234	Any person knowingly taking away any moveable property duly distrained under Act XXXII. of 1860 while subject to such distress.	Ditto.	Ditto.	Ditto.	3 months' im. or until he sooner restores the property or makes good its value to distraining Officer, and fine not exceeding value of distrained property.	Ditto	*Ibid, sec.* 198.
5235	Any person forging, counterfeiting or altering, or causing or procuring to be forged, counterfeited, or altered, or knowingly or wilfully aiding or assisting in so doing any certificate of the Collector or the commissioners, or of any ex Officio or special assessor, or of any Deputy Collector acting in the execution of Act XXXII. of 1860 or any certificate, acknowledgment, or receipt which any Officer is, by the said Act, authorized to give on the receipt of any money payable under the Act, or uttering any such forged, counterfeited, or altered certificate, or acknowledgement a receipt as aforesaid, with intent to defraud Her Majesty or the Secretary of state in Council or the Government, or any person whomsoever.	Ditto.	Warrant.	Ditto.	If the offender be a European or American, penal servitude for ten years, or two years imprisonment. If the offender be not a European or American, transportation for 14 years or imprisonment for 7 years.	Court of Session.	*Ibid, sec.* 199.

5236	Any person, with the intention of inducing any Collector or any other Officer employed to carry out the provisions of Act XXXII 1860, to refrain from exercising any of the lawful powers vested in him, or with the intention of inducing any person liable to pay any duties under the said Act, to refrain from making any Return or declaration, or doing any act or making any payment required by the said Act, assaulting or making a show of assaulting, or wrongfully restraining, or attempting so to do, or over awing or attempting to over awe by means of an unlawful assembly any such Collector or other Officer, or other person, and all persons combining by the close of shops or otherwise to induce or doing any act with intent to induce any other person or persons to break the public peace or otherwise obstruct the operation of this Act.	Shall not arrest without warrant.	Warrant.	Bailable.	12 months' im or 500 Rs. fine or both, fine commitable if not paid to 12 months more.	Magistrate of District.	*Act* XXXII 1860, *sec* 200.
5237	Any person intimidating or attempting to intimidate by violence, threats or otherwise any other person liable to pay any duties under Act XXXII. 1860 with the intention of preventing him from making any return or declaration, or doing any act or making any payment required by that Act.	Ditto.	Summons	Ditto.	6 months' im or 200 Rs. fine or both fine commitable if not paid to 6 months' more.	Ditto.	*Ibid, sec.* 201.
5238	Any person legally bound by an oath or affirmation to state the truth to any public servant, or other person authorized to administer it in any matter relating to Act XXXII. 1860, stating any thing touching that subject as true which he knows to be false, or does not believe to be true.	Ditto.	Warrant.	Ditto.	3 years' im. and 5,000 Rs. fine.	Court of Session or Magistrate of District.	*Ibid, sec.* 202.
5239	Any charge to be preferred under section 202 (5236) for any of the offences therein mentioned in regard to any affidavit, deposition or affirmation shall and may be tried and determined in the place where such affidavit, deposition, or affirmation shall be exhibited to the Collector or Commissioners in pursuance of the Act but if such offence shall have been committed by a British subject the charge shall be tried and determined by one of Her Majesty's Supreme Court, of Judicature.						*Ibid, sec.* 203.
5240	Knowingly and wilfully making or delivering any false or fraudulent account, statement, or declaration in any return which a person is required to make under Act XXXII. 1860, if the offence be not otherwise provided for this Act.	Shall not arrest without warrant	Summons	Bailable.	Treble amount of Duties to which offender is jointly liable and 500 Rs fine.	Any Magistrate.	*Act*, XXXII. 1860, *sec* 204.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5241	Knowingly or wilfully aiding, abeting, assisting, inciting, or inducing, any other person to make or deliver any false or fraudulent account, statement, or declaration.	Shall not arrest without warrant.	Summons	Bailable.	500 Rs. fine.	Ditto.	*Ibid, sec.* 205.
5242	Any person knowingly making any false claim for any abatement under the 1st Schedule of Act XXXII. 1860, or committing any fraud or misrepresentation in making such claim, or involving or endeavouring to obtain any such abetment, or knowingly declaring untruly the amount or value of any loss under the rules relating to schedule I or the amount or value of any abatement made or agreed to be made in the rent of the land or house in his occupation on account of such loss, with intent fraudulently to obtain any such abatement.	Ditto.	Ditto	Ditto.	Treble the amount of duties justly chargeable on him in respect of the said land or houses and 500 Rs. fine.	Ditto.	*Ibid, sec* 206
5243	Occupier of any such land or house or any other person whatever aiding abetting or assisting any person charged to the said duties in the above offence.	Ditto.	Ditto.	Ditto.	500 Rs. fine.	Ditto.	*Act* XXXII. 1860, *sec.* 206.
5244	Any person knowingly making any false claim to any abatement under any schedule of Act XXXII. of 1860, or to any exemption or deduction under the 13th or 14th parts of the said Act; or knowingly committing any fraud or contravance in making any claim under any of the said schedules, or under the said parts, or in obtaining any abatement, or any exemption or deduction, or any certificate as aforesaid, under any of the said schedules or parts; or fraudulently concealing or untruly declaring any income or amount of income; or any sum which he may have charged, or have been entitled, under the authority of the said Act, to charge against any other person, or which he may have deducted or retained, or have been or be entitled as aforesaid to deduct or retain for any payment to which such person claiming exemption as aforesaid may be liable, or any such person fraudulently making a second claim for the same cause.	Ditto.	Ditto.	Ditto.	500 Rs. fine and treble the duties chargeable in respect of all the sources of his income as if such claim had not been made or allowed	Ditto.	*Ibid, sec.* 207.

5245	Any person knowingly or wilfully aiding abetting or assisting any such person in committing any such fraud as aforesaid.	Ditto.	Ditto.	Ditto.	500 Rs. fine.	Ditto.	*Ibid, sec.* 207.
5246	Any person who shall propose to compound for the duties chargeable under Schedule II. of Act XXXII. 1860, wilfully making or delivering any false return or declaration of profits or income in such schedule or wilfully concealing or omitting to state any of such his profits or income or any part or portion thereof, or any other matter or thing required by the said Act to be stated in such declaration or return; or by fraudulent means procuring an assessment to be made upon him for a less amount of the said duties than he shall be chargeable with in order to compound thereon; or by fraudulent means causing or procuring a contract of composition to be made or entered into with himself for a less amount of duties than he ought to be charged with.	Ditto.	Ditto.	Ditto.	Contract or composition shall be null and void and 500 Rs. fine and treble the duties justly chargeable in respect of all the sources of his income.	Ditto.	*Act* XXXII 1860, *sec.* 75 *and* 208.
5247	Any person, duly summoned to appear before the Income Tax Collector or Commissioner for any of the purposes mentioned in Act XXXII. 1860, refusing or neglecting to appear at the time and place appointed, or appearing but refusing to be sworn or subscribe to an oath or having taken and subscribed the same, refusing to answer any question touching the matters pending before the above officers.	Ditto.	Ditto.	Ditto.	200 Rs. fine.	Ditto.	*Ibid, sec.* 209
5248	Any person, who ought by Act XXXII. 1860, to deliver any list, return, or declaration, refusing or wilfully neglecting so to do within the time limited in any notice given under the said act, or under any pretence wilfully delaying the delivery thereof.	Ditto.	Ditto.	Ditto.	200 Rs. fine and liable so be assessed at treble the amount with which he is justly chargeable.	Ditto.	*Ibid, sec.* 210.
5249	No person who shall not have been served with a special notice shall be liable to these penalties.						*Ibid, sec.* 212
5250	Any person required by the Collector or Commissioners under Act XXXII. 1860, to make out, verify, or deliver any return required by the said Act, or to appear before such officers, refusing or wilfully neglecting to make out, verify or deliver such return, or appear before such officers within the time limited by them in pursuance of the said Act.	Ditto.	Ditto.	Ditto	Ditto	Ditto.	*Act* XXXII 1860, *sec.* 211.
5251	Any person legally bound by an oath or solemn affirmation of secresy under Act XXXII. 1860, wilfully disclosing any matter which by such oath or affirmation he is bound to keep secret.	Ditto.	Warrant.	Ditto.	3 years' im and 5,000 Rs. fine.	Court of Session or Magistrate of District.	*Ibid, sec.* 212.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5252	Any person wilfully obstructing any Assessor Collecting Officer or any Officers duly authorized in the execution of Act XXXII. 1860, in the due execution of his office or duty.	Ditto.	Sommons	Ditto.	500 Rs. fine.	Any Magistrate.	*Ibid, sec.* 214.
5253	Any person chargeable with any duties under Act XXXII. 1860, by fraudulently changing his place of residence or converting his property or any part thereof or conveying or assigning or pretending so to do, or altering any security with relation to such property, or rendering the same or any part thereof temporarily unproductive, in order that he may not be charged for the same, or by any falsehood, wilful neglect, fraud or contrivance whatsoever used or practised, avoiding or attempting to avoid being charged and assessed according to the true intent and meaning of this act.	Ditto.	Warrant.	Ditto.	2 year's im. and 1,000 Rs. fine.	Magistrate of District.	*Ibid, sec.* 215.
5254	Any person, being assessed to the said duties removing out of the district where he shall have been assessed, without first paying or discharging all the said duties charged upon him which shall then be due and payable, and without leaving in such district sufficient property whereon the said duties in arrear may be raised and levied and the same shall remain in arrear and unpaid for the space of twenty days after the time appointed by this Act for payment thereof.	Ditto.	Summons	Ditto.	200 Rs. fine over and above the duties left unpaid.	Any Magistrate.	*Ibid, sec.* 216

5254a. Nothing contained in Act XXXII of 1860 shall prevent any person being punished for any offence in any manner otherwise provided by Law. Provided that if any proceedings be taken under this Act for the punishment of any person for an offence, a conviction or acquittal shall be a bar to any other proceedings for the same offence.—*Act XXXII.* 1860. *sec.* 217.

5254b. Except as otherwise provided, all offences under Act XXXII. 1860, may be tried by any Magistrate Joint Magistrate or persons lawfully exercising the powers of a Magistrate unless the period of imprisonment to which the offender may be liable exceed that which such officer is competent to award under the laws for the time being in force. When the said period exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Sessions Judge ; if the evidence given before such Officer shall appear to him sufficient for the conviction of the accused —*Act* XXXII. 1860, *sec.* 218.

5155. Except as aforesaid, all offences declared to be punishable under this Act with fine or forfeiture, or fine and imprisonment, may be tried in the district or place in which the offence was committed, or in which the person charged with the same is appended.—*Ibid, sec.* 219.

5256. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force, subject to all the rules applicable to criminal cases deputed to such Assistant acting judicial.—*Act.* XXXII. 1860, *sec.* 220.

5257. The Local Government may give general authority to any such Assistant to exercise without reference by a Magistrate, any of the powers which such Assistant is hereby rendered competent to exercise upon reference by a Magistrate subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.—*Ibid, sec.* 221.

5258. A Magistrate may at any time call from any of his Assistants, any case pending before such Assistants.—*Ibid, sec.* 222.

5259. If any offence which by this Act is declared to be punishable with fine and imprisonment, or imprisonment only, shall be committed by a European British subject beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.—*Ibid, sec.* 223.

5260. If any offence which by this Act is declared to be punishable with fine or forfeiture, or with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature established by Royal charter, such offence shall be punishable upon summary conviction by any Magistrate of Police of the Presidency Town or Station in which such Court is held.—*Ibid, sec.* 224.

5261. No conviction, order, or judgment under the last preceding Section shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds, but the depositions taken or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of certiorari, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.—*Ibid, sec.* 225.

5262. All other offences punishable under this Act, which shall be committed within the local limits of any Court of Judicature established by Royal charter, shall be punishable by such Court.—*Ibid, sec.* 226.

5263. All fines, forfeitures, or penalties imposed under the authority of this Act for offences punishable by any Magistrate, or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the above-named Officers.—*Ibid, sec.* 227.

5264. In case any such fines, forfeitures, or penalties shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.—*Ibid, sec.* 228.

5265. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, forfeiture, or penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattles where upon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.—*Ibid, sec.* 229.

5266. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine, forfeiture, or penalty and the costs (if any) shall be levied in the manner provided for the Execution of decrees of the Civil Court.—*Ibid, sec.* 230.

5267. Whenever an award of hard labor is made under this Act, the Court shall not commute such labor to the payment of a fine under Regulation II 1834. of the Bengal Code. (which Regulation has been since repealed).—*Ibid, sec.* 231

5268. All forfeitures or penalties not exceeding two hundred Rupees imposed by this Act, exclusive of any increased duties chargeable under this Act, may be recovered before the Collector or before two or more Commissioners in and for the place wherein the offence shall have been committed or the offender shall have been assessed.—*Ibid, sec.* 232.

5269. The Collector or Commissioners shall take cognizance of any offence of which he or they shall have cognizance under the last section, upon information or complaint in writing made to them, and upon a summons to the party accused to appear before the Collector or Commissioners at such time and place as they shall fix, or without such summons ; in case the person shall be guilty of the offence in their presence.—*Ibid, sec* 233.

5270. The Collector or Commissioners shall examine into the matter of fact and proceed to hear and determine the same in a summary way, and upon proof made thereof, either by voluntary confession of the party accused, or by evidence of one or more credible witness or witnesses or otherwise, as the case may require, to give judgment for the penalty, or if the Collector or Commissioners shall think proper, to mitigate the same for such part of the penalty as he or they shall direct.—*Ibid, sec.* 234.

5271. In such case the Collector or Commissioners shall assess the penalty upon the party, and charge the same in the assessment to which the penalty adjudged shall particularly relate, and in addition to the duties in case the party shall be charged therewith.—*Ibid, sec.* 235.

5272. The forfeitures or penalties so adjudged shall be levied in like manner as the duties under this Act.—*Ibid, sec.* 236.

5273. The informer shall, in all cases. upon the Collector or Commissioners certifying that he has conducted himself properly in regard to his information, be entitled to receive one moiety of the amount of the penalty awarded, exclusive of any increased assessment, and when more informers than one are concerned, they shall be entitled to such moiety in such shares as the Collector or Commissioners shall award.—*Ibid, sec.* 237.

5274. The adjudication of the Collector or Commissioners shall in all cases cognizable by them be final and conclusive to all intents and purposes, without power of appeal from the same, and the proceedings of the Collector or Commissioners shall not be removeable by any process whatever into any Court of Law or Equity or be subject to revision.—*Ibid, sec.* 238.

5275. In any proceeding for the recovery of any such Duties or penalties respectively granted or imposed by this Act, such Duties and penalties respectively shall be recoverable with full costs of suit, and all charges and expenses attending the same.—*Ibid, sec.* 239.

5276. Whenever by this Act, any increased rate of Duty is imposed as a penalty, or as part of, or in addition to, any penalty, such increased rate of Duty shall be added to the assessment, and be collected and levied in like manner as any Duties included in such assessment may be collected and levied.—*Ibid, sec.* 240.

5277. All penalties, forfeitures, and fines levied under this Act, after deducting any portion thereof, hereby authorized to be paid as aforesaid, shall be paid to the account to be headed Income Tax Account, in section 190 of this Act, mentioned, and shall be held available for the purposes of this Act.—*Ibid, sec.* 241.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.

INSULT.

Towheen.

অপমান।

5278	Intentionally insulting and thereby giving provocation to any person intending or knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offence.	Shall not arrest without warrant.	Warrant.	Bailable.	2 years' im. or fine or both.	Any Magistrate	*Act XLV* 1860, *chap.* 22, *sec* 504
5279	Any person intending to insult the modesty of any woman, uttering any word, making any sound or gesture, or exhibiting any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intruding upon the privacy of such woman.	Ditto.	Ditto	Ditto.	One year's simple im. or fine or both.	Magistrate of district.	*Ibid, sec.* 509.

INTIMIDATION.—Criminal.

Takhoweef moojrimana.

অপরাধ ভাবে ভয় দর্শন।

5280. *Def* Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do as the means of avoiding the execution of such threat, commits criminal intimidation.—*Act. XLV.* 1860, *chap.* 22, *sec* 503.

5281. A threat to injure the reputation of any deceased person in whom the person threatened is interested is within this section.—*Ibid, Explanation.*

5282 A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation —*Ibid, Illustration.*

5283	Committing Criminal intimidation.	Not without warrant.	Warrant.	Bailable.	2 years' simple im. or fine or both.	Magistrate of district or Sub. Magistrate of 1st class.	*Act XIV* 1860, *chap. XXII. sec.* 506.
5284	If the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years or to impute unchastity to a woman.	Ditto.	Ditto.	Ditto.	7 years' im or fine or both.	Court of Session.	*Ibid.*
5285	Committing the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes.	Ditto.	Ditto	Ditto.	2 years' im. in addition to the punishment provided by the above Section (5284 & 5285)	Ditto.	*Act LV* 1860, *chap* XXII. see 507.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Courttriable	Authority.
5286	Voluntarily causing or attempting to cause any person to do any thing which he is not legally bound to do, or omit to do any thing which he is legally entitled to do, by inducing or attempting to induce him to believe that he or any person in whom he is interested will become or will be rendered by some Act of the offender an object of divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit.	Shall not arrest without warrant.	Warrant.	Bailable.	One year's im. or fine or both.	Magistrate of district.	*Ibid, sec.* 508.

5287. A sits Dhurna at Z's door with the intention of causing it to be believed that by so sitting he renders Z an object of divine displeasure. A has committed the offence defined in this Section.—*Act XLV.* 1860, *chap.* 22, *sec.* 508, *Illus. a.*

5288. A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of divine displeasure. A has committed the offence defined in this Section.—*Ibid, Illus. b.*

	INTOXICATION. *Badmastee.* মত্ততা।						
5289	A person in a state of intoxication appearing in any public place, or in any place which it is a trespass in him to enter, and there conducting himself in such a manner as to cause annoyance to any person.	Not without warrant.	Warrant.	Bailable.	24 hours' simple im. or 10 Rs. fine or both.	Any Magistrate.	*Act XLV.* 1860, *chap.* XXII. *sec* 510.
	JOINT STOCK COMPANIES.						
5290	Any Company registered under Act XIX. of 1857, making default in keeping a Register of share-holders or in sending a copy of its annual lists of share-holders and summary of Capital and accounts to the Register.	Shall not arrest without warrant.	Summons	Bailable.	50 Rs. per day so long as the default continues.	Magistrate of district.	*Act XIX.* 1857 *sec.* 16.
5291	The Register and annual list of share-holders commencing from the incorporation of the company shall be kept at the Registered Office of the Company except when the Register is closed under this Act, such Register and annual list shall,	Ditto	Ditto	Ditto	50 Rs. fine and further penalty not exceeding 20 Rs. for every day during which such refusal continues.	Ditto	*Ibid, sec.* 16.

	during business hours, but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be opened to the inspection of any share-holder gratis, and to the inspection of any other person on the payment of one Rupee, or such less sum as the Company may prescribe for each inspection; and every such share-holder or other person may require a copy of such Register and annual list or of any part thereof, on payment of two annas for every one hundred words required to be copied; if such inspection or copy is refused the company shall incur for each refusal a penalty not exceeding.						
5292	Every Company registered under Act XIX. 1857 shall have a Registered Office, to which all communications and notices may be addressed. If any such Company carries on business without having such an office.	Ditto	Ditto	Ditto	50 Rs. fine for every day during which business is so carried on.	Ditto.	*Act* XIX. 1857, *sec.* 26.
5293	Every Limited Company registered under Act XIX. 1857 shall paint or affix and shall keep painted or affixed its name on the outside of every Office or place in which its business is carried on, in a conspicuous position, in letters easily legible in the English language and also in the language required to be used in judicial proceedings in the Courts in the District in which the Registered Office is situate. Any Company defaulting to do so.	Ditto	Ditto	Ditto	50 Rs. fine for the offence and for every day during which such name is not so kept painted or affixed.	Ditto	*Ibid, sec.* 28 *and* 29.
5294	If any Officer of the Company or any person on its behalf, uses any seal purporting to be a seal of the Company whereon its name is not engraven in legible characters in the language used in the Courts of the District, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Hoondee, Promissory Note, Endorsement, Cheque or Order for money or goods, or issues or authorizes to be issued any Bill of parcel, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in legible characters in the language aforesaid he shall be liable to.	Ditto	Ditto	Ditto	500 Rs. fine and liability to the holder of such Bill of Exchange, Hoondee, Promissory Note cheque order for money or goods for the amount thereof unless same is duly paid by the Company.	Ditto.	*Ibid.*
5295	A copy of any special Resolution that is passed by any such Co., shall be forwarded to the Registrar of Joint Stock Companies and recorded by him. If such copy is not so forwarded within 15 days from the date of its passing.	Ditto	Ditto	Ditto	20 Rs per day after the 15 days during which such copy is omitted to be forwarded.	Ditto.	*Act XIX.* 1857, *sec* 40.

1	2	3	4	5	6	7	8
Parts. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Courttriable	Authority.
5296	The Company, if authorized so to do by its regulations, may increase its nominal capital in manner directed thereby, but notice of any increase so made shall be given to the Registrar of Joint Stock Companies within 15 days from the date of the passing of the resolution by which such increase has been authorized and indefault, the Company shall incur.	Ditto	Ditto	Ditto	50 Rs fine for every day during which such neglect to give notice continues.	Ditto	*Ibid, sec.* 42.
5297	Any Officer or Agent of the Company refusing to produce any book on document required by Inspectors appointed under Act XIX. of 1857 or to answer any question relating to the affairs of the Company.	Ditto	Ditto	Ditto	50 Rs. fine for each offence.	Ditto	*Ibid, sec.* 49 *and* 51.
5298	All offences under Act XIX. of 1857 made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate.						*Act* XIX.1857 *sec.* 56.
5299	Any Director, Officer or contributory* of any Company registered under this Act, destroying, mutilating, altering, or falsifying any books, papers. writings, or securities, or making or being privy to the making of any false or fraudulent entry in any Register, book of account, or other document belonging to the Company, with intent to defraud the creditors or contributories of such Company or any of them or any other person.	Ditto	Ditto	Ditto	2 years' imprisonment.	Ditto	*Ibid, sec.* 76.

KIDNAPPING.

Insan ko bhagalejana.

মনুষ্য চুরী

5300. Kidnapping is of two kinds; kidnapping from British India, and kidnapping from lawful guardianship.—*Act, XLV.* 1860, *chap.* 16, *sec.* 359.

5301. Whoever conveys any person beyond the limits of British India without the consent of that person, or some person legally authorized to consent on behalf of that person, is said to kidnap that person from British India.—*Ibid, sec.* 360.

5302. Whoever takes or entices any minor under fourteen years of age if a male, under 16 years of age if a female, or any person of un-

* Any existing or former share-holder upon whom calls are authorized to be made at the winding up of a company is called a contributory.

sound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.—*Ibid, sec.* 361.

5303. The words "lawful guardian" in this Section include any person lawfully entrusted with the care or custody of such minor or other person.—*Ibid, Explanation.*

5304 This Section does not extend to the act of any person who, in good faith, believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.—*Ibid, Exception.*

5305	Kidnapping any person from British India or from lawful guardianship.	May arrest without warrant.	Warrant.	Not Bailable.	7 years' im. and fine.	Court of Session.	*Act XLV.* 1860 *chap. XVI. sec.* 363.
	See Abduction. 4698-4705.						
A	LABOR.						
5305	Unlawfully compelling any person to labour against the will of that person.	May arrest without warrant.	Ditto.	Bailable.	One year's im. or fine or both.	Any Magistrate.	*Act XLV.* 1860 *chap.* 16 *sec.* 374
	MARRIAGE OFFENCES RELATING TO.						
	Jooraileu mootáligu ijdóaz.						
	বিবাহ সম্পর্কীয় অপরাধ।						
5306	Every man who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him, and to co-habit or have sexual intercourse with him in that belief shall be punished with.	Shall not arrest without warrant.	Ditto.	Not bailable.	10 years' im. and fine	Court of Session.	*Act XLV.* 1860 *chap.* 20 *sec* 374
5307	Any person, having a husband or wife living, marrying in any case in which such marriage is void by reason of its taking place during the life of such husband or wife.	Ditto.	Ditto.	Bailable.	7 years' im. and fine.	Ditto.	*Ibid, sec.* 494.

5308. This Section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction; nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time; provided the person contracting such subsequent marriage shall before such marriage takes place inform the person with whom such marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.—*Act XLV.* 1860, *sec.* 494, *Excep*

5309	Committing the offence defined in the above Section (5307) having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage.	Not without warrant.	Warrant.	Not bailable	10 years' im. and fine.	Court of Session.	*Act XLV.* 1860, *chap.* XX. *sec.* 495.
5310	Any person dishonestly or with a fraudulent intention going through the ceremoney of being married knowing that he is not thereby lawfully married.	Ditto	Ditto	Ditto	7 years' ditto and fine.	Ditto	*Ibid, sec.* 496.
	See Adultry.						

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	MINOR. *Nábálagh.* নাবালগ।						
A 5310	Selling, letting to hire or otherwise disposing of or buying, hiring or otherwise obtaining possession of any minor under the age of 16 years with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose or knowing it to be likely that such minor will be employed or used for any such purpose.	May arrest without warrant.	Warrant.	Not bailable.	10 years' im. and fine.	Court of Session.	*Act XLV.* 1860 *chap.* 16, *sec.* 372 and 373.
	MISAPPROPRIATION OF PROPERTY, CRIMINAL. *Bad decanatee semal ká trassaroof bíz á* অপরাধভাবে অন্যের দ্রব্য অবিহিত রূপে ব্যবহার করণ।						
5311	Any person dishonestly misappropriating or converting to his own use any moveable property.	Shall not arrest without warrant.	Warrant	Bailable,	2 years' im. or fine or both.	Any Magistrate.	*Act XLV.* 1860. *chap.* 17 *sec.* 403

5312. A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it that the property belongs to himself. A is not guilty of theft; but if A after discovering his mistake, dishodestly appropriates the property to his own use, he is guilty of an offence under this Section.—*Act XLV.* 1860, *chap.* 17 *sec.* 403 *Illus a.*

5313. A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this Section.—*Ibid, Illus b.*

5314. A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this Section.—*Ibid, Illus c.*

5315. A dishonest misappropriation for a time only is a misappropriation within the meaning of this Section.—*Ibid, Expl.* 1.

5316. A finds a Government Promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan intending at a future time to restore it to Z. A has committed an offence under this Section.—*Ibid, Illus.*

5317. A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined,

if he appropriates it to is own use when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.—*Ibid, Explanation* 2.

5318. A finds a Rupee on the high road not knowing to whom the Rupee belongs, A picks up the Rupee. Here A has not committed the offence defined in this Section.—*Ibid, Illus. a.*

5319. A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this Section.—*Ibid, Illus. b.*

5320. A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favor the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this Section.—*Ibid, Illus. c.*

5321 A sees Z drop his purse with money in it. A picks up the purse with intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this Section.—*Ibid, Illus. d.*

5322. A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates attempting it to his own use. A is guilty of an offence under this section.—*Ibid. Illus. e.*

5323. A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.—*Ibid, Illus. f*

5324	Any person dishonestly misappropriating or converting to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession.	Shall not arrest without warrant.	Warrant.	Bailable.	3 years' im. and fine.	Court of Session or Magistrate of District or Subordinate Magistrate of 1st class.	*Act XLV.* 1860, *chap.* 17, *sec.* 404
5325	Ditto Ditto if the offender at the time of such person's decease was employed by him as a clerk or servant.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid.*

5326. Z dies in possession of furniture and money. His servant A. before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this Section.—*Act XLV.* 1860, *chap.* 17, *sec.* 404, *Illus.*

MISCARRIAGE.

Isqát hamal.

গর্ভপাত করাওন।

5327	Voluntarily causing a woman with child to miscarry, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman.	Not without warrant.	Warrant.	Bailable.	3 years' im. or fine or both.	Court of Session.	*Act XLV.* 1860, *chap.* 16, *sec* 312
5328	Ditto Ditto if the woman be quick with child.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid.*

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Courttriable	Authority.
5329	A woman who causes herself to miscarry is within the meaning of this section.						Do. *Explanation*
5330	Committing the offence defined in the last preceding Section (5327) without the consent of the woman, whether the woman is quick with child or not.	Not without warrant.	Warrant.	Not bailable.	Transportation for life or 10 years' im. and fine.	Ditto	*Ibid. sec.* 313.
5331	Any person, with intent to cause the miscarriage of a woman with child, doing any Act which causes the death of such woman.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid. sec* 314
5332	Ditto Ditto if the Act is done without the consent of the woman.	Ditto	Ditto	Ditto	Do. or transportation for life.	Ditto	*Ibid.*
5333	It is not essential to this offence that the offender should know that the Act is likely to cause death.						Do. *Explanation*
5334	Any person before the birth of any child doing any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and by such act preventing that child from being born alive, or causing it to die after its birth, if such act be not caused in good faith for the purpose of saving the life of the mother.	Ditto	Ditto	Ditto	10 years' im. or fine or both.	Ditto	Act XLV. 1860 *chap.* 16, *sec.* 315.
5335	Any person doing any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and by such act causing the death of a quick unborn child.	Ditto	Ditto	Ditto	10 years' im, and fine.	Ditto	*Ibid, sec.* 316.

5336. A, knowing that he is likely to cause the death of a pregnant woman, does an act, which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured but does not die ; but the Death of a quick unborn child with which she is pregnant is thereby caused. A is guilty of the offence defined in this Section.—*Act* XLV. 1860, *chap.* 16, *sec.* 316, *Illus.*

5337. By the English Law, under a late statute, whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, punishable with transportation for life, or for not less than fifteen years, or imprisonment not exceeding three years ; and it is immaterial whether the woman was or was not pregnant at the time.—*Beaufort p.* 785.

MISCHIEF.

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5338. *Def.* Whoever, with intent to cause, or knowing that he is likely to cause wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits mischief.—*Act XLV.* 1860, *chap.* 17, *sec* 425.

5339. It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not—*Ibid, Expl.* 1.

5340. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person lead others jointly—*Ibid, Expl.* 2.

5341. A voluntarily burns a valuable security belonging to Z. intending to cause wrongful loss to Z. A has committed mischief.—*Ibid, Illus. a.*

5342. A introduces water into an Ice House belonging to *Z*, and thus causes the Ice to melt, intending wrongful loss to Z. A has committed mischief.—*Ibid, Illus. b.*

5343. A voluntarily throws into a river a ring belonging to Z. with the intention of thereby causing damage to Z. A has committed mischief. —*Ibid, Illus. c.*

5344. A knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z A has committed mischief.—*Ibid, Illus. d.*

5345. A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the under writers. A has committed mischief—*Ibid, Illus e*

5346. A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.—*Ibid, Illus. f.*

5347. A having joint property with Z in a horse, shoots the horse intending thereby to cause wrongful loss to Z, A has committed mischief. —*Ibid Illus. g*

5348. A causes cattle to enter upon a field bolonging to Z. intending to cause, and knowing that he is likely to cause, damage to Z's corps. A has committed mischief.—*Ibid, Illus. h.*

5349	Committing mischief.	Not without warrant.	Summons	Bailable.	3 month's im. or fine or both.	Any Magistrate.	*Act XLV.* 1860, *chap.* 17, *sec.* 426
5350	Committing mischief and thereby causing loss or damage to the amount of fifty Rupees or upwards.	Ditto.	Warrant.	Ditto.	2 years' im. or fine or both.	Magistrate of District or Sub. Magistrate of 1st class.	*Ibid, sec.* 427.
5351	Committing mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten Rupees or upwards.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 428.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5352	Committing mischief by killing, poisoning, maiming, or rendering useless, any elephant, Camel, Horse, Mule, Buffalo, Bull, Cow, or Ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards.	Not without warrant.	Warrant.	Bailable.	5 years' im. or fine or both.	Ditto, Ditto or Court of Session.	*Ibid, sec.* 429.
5353	Committing mischief by doing any act which causes or which the offender knows to be likely to cause a diminution of the supply of water for agricultural purposes, or for food or drink for human beings, or for animals which are property, or for cleanliness, or for carrying on any manufacture.	May arrest without warrant.	Ditto	Ditto	5 years' im. or fine or both.	Ditto	*Ibid, sec.* 430.
5354	Committing mischief by doing any act which renders or which the offender knows to be likely to render any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 431
5355	Committing mischief by doing any act which causes or which the offender knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage	Ditto	Ditto	Ditto	5 years' im. or fine or both.	Ditto	*Act XXV* 1860 *chap* 17, *sec* 432
5356	Committing mischief by destroying or moving any light house or other light used as a sea mark, or any sea mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light house, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators.	Ditto	Ditto	Ditto	7 years' im. or fine or both.	Court of Session.	*Ibid, sec* 433.
5357	Committing mischief by destroying or moving any land mark fixed by the authority of a public servant, or by any act which renders such land mark less useful as such.	Shall not arrest without warrant	Ditto	Ditto	1 year's im. or fine or both.	Magistrate of District or Sub. Magistrate of 1st class.	*Ibid, sec* 434.
5358	Committing mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that the offender will thereby cause damage to any property to the amount of 100 Rupees or upwards.	May arrest without warrant.	Ditto	Ditto	7 years' im. and fine.	Court of Session.	*Act* XX. 1860, *chap.* 17, *sec* 435

5359	Committing mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that the offender will thereby cause the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property *	Ditto	Ditto	Not bailable.	Transportation for life or 10 years, im. and fine.	Ditto	*Act XLV.* 1860, *chap.* 17, *sec.* 436.
5360	Committing mischief to any decked vessel or any vessel of a burden of 20 tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that the offender will thereby destroy or render unsafe that vessel.	Ditto	Ditto	Ditto	10 years' im and fine	Ditto	*Ibid, sec* 437.
5361	Committing or attempting to commit by fire or any explosive substance, such mischief as is described in the last preceding Section (5360).	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and fine	Ditto	*Ibid, sec.* 438.
5362	Intentionally running any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed.	Ditto	Ditto	Ditto	10 years' im. and fine	Ditto	*Act XLV.* 1860, *chap.* 17, *sec.* 439
5363	Committing mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint.	Ditto	Ditto	Ditto	5 years' im. and fine	Ditto	*Ibid, sec* 440

MURDER.

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5364 *Def.* Except in the cases hereinafter excepted, culpable homicide is murder, if the Act by which the death is caused is done with the intention of causing death ; or

2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused ; or

3rdly. If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death ; or

4thly. If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.—*Act XLV.* 1860, *chap.* 16, *sec.* 300.

5365 A shoots Z with the intention of killing him. Z dies in consequence A commits murder.—*Ibid, Illus. a.*

In a case of Arson it was held that the conviction under Section 436 is good, when the place fired is part of a house, or a place used for the custody of property If it be found that there had been no part of the premises set on fire, and that the grain and apparel &c. only had been fired, then Section 426 relating to property other than a house would have applied The mere fact of the mischief being done to a house is in itself a circumstance of aggravation taking it out of the category of simple mischief — *Reg. W P. Govt. V. Cheeta June* 27. 1862 *p* 135

5366. A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.—*Ibid, Illus. b.*

5367. A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.—*Ibid, Illus. c.*

5368. A without any excuse fires a loaded cannon into a crowd of persons and kills one of them, A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.—*Ibid, Illus. d.*

5369. Culpable homicide is not murder if the offender, whilst deprived of the power of self control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisoes:—

First. That the provocation is not sought or voluntarily provoked by the offender as an excuse for or killing doing harm to any person.

Secondly. That the provocation is not given by any thing done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. That the provocation is not given by any thing done in the lawful exercise of the right of private defence.—*Ibid, Exception. I.*

5370. Whether the provocation was grave and sudden enough to prevent the Offence from amounting to murder is a question of fact.—*Ibid, Expl.*

5371. A under the influence of passion excited by a provocation given, by Z intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an Act caused by the provocation. —*Ibid, Illus. a.*

5372. Y gives grave and sudden provocation to A, A. on this provocation fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.—*Ibid, Illus. b.*

5373. A is lawfully arrested by Z. a bailiff A is excited to sudden and violent passion by the arrest and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.—*Ibid, Illus. c.*

5374. A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.—*Ibid, Illus. d.*

5375. A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.—*Ibid, Illus. e.*

5376. Z strikes B. B is by this provocation excited to violent rage. A, a by stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B. kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.—*Ibid, Illus. f.*

5377. Culpable homicide is not murder if the offender in the exercise, in good faith, of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.—*Ibid, Exception* 2.

5378. Z attempts to horse-whip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A, believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.—*Ibid, Illustration.*

5379. Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.—*Ibid, Exception* 3.

5380. Culpable homicide is not murder if it is committed without premeditation in a sudden fight, in the heat of passion, upon a sudden quarrel, and without the offender's having taken undue advantage or acted in a cruel or unusual manner.—*Ibid, Exception.* 4.

5381. It is immaterial in such cases which party offers the provocation or commits the first assault.—*Ibid Explanation.*

5382. Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.—*Ibid, Exception* 5.

5383. A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death. A has therefore abetted murder.—*Ibid, Illus.*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5384	Committing murder.	May arrest without warrant.	Warrant.	Not bailable.	Death or transportation for life and fine.	Court of Session.	*Act XLV.* 1860, *chap.* 16, *sec.* 302.
5385	A Person being under sentence of transportation for life, committing murder.	Ditto	Ditto	Ditto	Death.	Ditto	*Ibid, sec.* 303.
5386	Any person doing any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid, sec.* 307.
5387	If hurt is caused to any person by above act.	Ditto	Ditto	Ditto	Ditto or transportation for life and fine.	Ditto,	*Ibid.*

5388. A, shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this Section.—*Act XLV.* 1860, *chap* 16, *sec.* 307, *Illus. a.*

5389. A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this Section, though the death of the child does not ensue.—*Ibid, Illus. b.*

5390. A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence defined in this Section. A fires the gun at Z. He has committed the offence defined in this Section, and if by such firing he wounds Z he is liable to the punishment provided by the latter part of this Section.—*Ibid, Illus. c.*

5391. A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping. A has not yet committed the offence in this Section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table A has committed the offence defined in this Section.—*Ibid, Illus. d.*

5392. Previous to a conviction for murder, or aggravated culpable homicide, it is not indispensably necessary that the body should be found. The evidence of parties, who saw the bodies of the persons murdered when dead, is sufficient to establish the fact of the death of the person with whose murder a prisoner is charged. Although there may be many instances of conviction of murder where a body is not found and identified in which it would be consistent with a humane and sound discretion that only a revocable sentence should be passed, yet there is no absolute and invariable rule by which a capital sentence is always to be held barred in such cases.—*Rep. L. P.* 1851, *p.* 171; 1856, *part* 2, *p.* 341 *and* 481.

5393. A woman was convicted of the wilful murder of her child and attempt to murder a second child and commit suicide by throwing herself with the two children into a well, in consequence of which the first child, only one month old died. The Judge recommended a sentence of imprisonment for life. But as it was proved that she committed the crime through extreme distress being unable to provide herself and children with food, the Sudder Court sentenced her to 14 years, imprisonment with labor suited to her sex.—*Rep. W. P. Govt. V. Mussumat Budeea* 3 *Oct.* 1861, *Page* 395.

5394. Every attempt to murder must involve an assault. It follows therefore that if there was no assault there was no attempt in the legal acceptation of the term.—*Rep. W. P. Govt. V. Ameer Khan &c. Dec.* 18, 1858 *p* 264.

5394A. The English law presumes every homicide to be number, until the contrary appears. Therefore the prosecuter is not bound to prove malice, or any facts or circumstances beside the homicide from which it may be presumed; but in such a case it is only presumed, and the defendant may rebut that presumption by proving that the homicide was justifiable or excusable or that at most it amounted to manslaughter only, and not to murder

Justifiable homicide is of three kinds: 1. Where the proper Officer executes a criminal in strict conformity with the term of his sentence. 2. Where an Officer of justice, or other person acting in his aid, in the legal exercise of a particular duty, kills a person who resists or prevents him from executing it; but in this case the homicide is not justifiable whithout an apparent absolute necessity. 3. Where the homicide is committed in prevention of a forcible and attrocious crime; as. for instance, if a man attempt to rob or murder another, and be killed in the attempt, the slayer shall be acquitted and discharged. so a woman is justified in killing one who attempts to ravish her; and so too the husband or father may justify killing a man who attempts a rape upon his wife or daughter; but not if he take them in adultery by concent, for the one is forcible and felonious, but not the other. Excusible homicide is of two kinds; 1. Where a man doing a lawful act, without any intention of hurt, by accident kills another; as. for instance, where a man is working with a hatchet, and the head by accident flies off and kills a person standing by. This is called homicide per infortunium, or by misadventure 2. Where a man kills another upon a sudden rencounter, merely in his own defence, or in indefence of his wife, child, parent, or servant, and not from any vindictive feeling; which is termed homicide se defendendo.

Manslaughter is the unlawful and felonious killing of another, without any malice either expressed or implied. It is of two kinds:—1. Involuntary manslaughter, where a man doing an unlawful act, not amounting to felony, by accident kills another. 2. Voluntary manslaughter, where upon a sudden quarrel two persons fight, and one of them kills the other; or where a man greatly provokes another by some personal violence, &c. and the other immediately kills him.

Murder is thus defined by Lord Coke: "when a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the kings peace, with malice afore-thought, either express or implied." 1st. It must be comitted by a person of sound memory and discretion; it cannot be committed by an idiot, lunatic, or infant unless indeed he show a conciousness of doing wrong, and of course a discretion or discernment between good and evil. But if any person procure an idiot &c. to murder another, the procurer is guilty of the murder, although perhaps, not present at the time it was comitted; 2. It must be an unlawful killing, not execusable or justifiable. It may be by poisoning, striking starving, drowning and a thousand other forms of death by which human nature may be over come. Taking away a man's life by perjury is not, it seems, in law murder:—although, inforo conscientiæ, it is as much so as killing with a sword. If a man however do any other act, of which the probable consequence may be, and eventually is death, such killing may be murder, although no stroke were struck by himself; as was the case of the unnatural son who exposed his sick father to the air against his will by reason whereof he died; of the harlot, who laid her child in an orchard where a kite struck

it and killed it; and of the mother, who hid her child in a pig stye, where it was devoured. So if one under a well grounded apprehension of personal violence, do an act which causes his death (as, for instance, jumps out of a window, or into a river) he who threatened is answerable for the consequences.

If a man have a beast that is used to do mischief and he knowing it suffer it to go abroad, and it kill a man, this, it seems, is manslaughter in the owner, but, if he had purposely turned it loose, though merely to frighten people, and to make what is called sport, it is as much murder as if he had incited a bear or a dog to worry them. If a man have a disease, which in all likelihood would terminate his life in a short time, and another give him a wound or hurt, which hastens his death, this is such a killing as constitutes a murder. So if a man be wounded, and the wound turn to a gangrene or fever for want of proper applications, or from neglect, and the man die of the gangrene or fever; or if it become fatal from the refusal of the party to submit to a surgical Operation, this is also such a killing as would constitute murder; but otherwise, if the death of the party were caused by improper applications to the wound, and not by the wound itself, and it is a general rule, that, to make the killing murder, the death must follow within a year and a day after the stroke or other cause of it. 3. The person killed must be "a reasonable creature in being and under be Kings peace." Therefore to kill a child in its mother's womb is no murder; but if the child be born alive and die by reason of the potion or bruises it received in the womb, it may be murder in the person who administered or gave them. So if a mortal wound be given to a child whilst in the act of being born, for instance upon the head as soon as the head appears, and before the child has breathed, it may be murder if the child is afterward born alive and dies thereof. But it must be proved that the entire child has actually been born into the world in a living state; and the fact of its having breathed is not a conclusive proof thereof. But the fact of the child, being still connected with the mother by the umbilical cord will not prevent the killing from being murder. As to the words "the King's peace" they mean merely that it is not murder to kill an alien enemy in time of war; but killing even an alien enemy within the kingdom, unless in the actual exercise of war, would be murder. 4. And lastly, the killing must be comitted with malice afore thought. Malice is either express or implied. Express malice is when one, with a sedate and deliberate mind, and formed design, doth kill another; which formed design is evidenced by external circumstances discovering that inward intention; as lying in wait, antecedent menaces, former grudges and concerted schemes to do him some bodily harm. Neither shall he be guilty of a less crime who kills another inconsequence of such a wilful act as shows him to be an enemy to mankind in general as going deliberately with a horse used to strike, or discharging a gun, among a multitude of people. So if a man resolve to kill the next person he meets, and do kill him it is murder, although he knew him not; for it is universal malice. And it may be necessary here to observe, that no provocation however great will extenuate or justify, a homicide, where there is evidence of express malice. So where A and B having fallen out, A said he would not strike, 'but would give B a pot of Ale to strike him; upon which B did strike, and A thereupon killed him; this was holden to be murder. And in many cases where no malice is expressed or openly indicated, the law will imply it. Thus, where a man wilfully poisons another, in such a deliberate Act the law presumes malice, though no particular enmity can be proved So if a man kill another suddenly without any or without a considerable provocation; if he kill an Officer of justice in the legal execution of his duty; or if intending to do another felony, he undesignedly kill a man; in all these cases the law implies malice and the offence is murder. If two persons mutually agree to commit suicide together, and accordingly take poison or attempt to drown themselves together, but one only of them dies, the survivor is guilty of murder. As there are many very nice distinctions however upon this subject of malice prepense, express and implied, it may be desirable to consider the subject more fully and minutely which we shall do under the following heads:—

Killing by Poison.—Of all the forms of death, by which human nature may be overcome, the most detestable is that of poison, because it can of all others be the least prevented either by manhood or forethought. And therefore in all cases where a man wilfully administers poison to another; or lays poison for him and either he or another takes it, and is killed by it, the law implies malice, although no particular enemity can be proved. If however it were administered by mistake, or if it were laid with an innocent intention in the place from which the deceased took it, it is merely homicide by misadventure. So, if a physician or surgeon give his patient a potion or plaster to cure him which contrary to expectation kills him, this also is neither murder nor manslaughter, but misadventure.

Killing by Fighting.—May be either murder or manslaughter, or homicide so defendendo, according to circumstances. 1. If two persons quarrel and afterwards fight and one of them kill the other, in such a case if there intervened between the quarrel and the fight, a sufficient cooling time for passion to subside and reason to interpose, the killing would be murder; but if such a time had not intervened, if the parties, in their passion, fought immediately, or even if immediately upon the quarrel they went out and fought in a field, for this is deemed a continued act of passion, the killing in such a case would be manslaughter only, whether the party killing struck the first blow or not. Therefore if two persons deliberately fight a duel, and one of them be killed, the other and his second are guilty of murder; no matter how grievous the provocation, or by which party it was given. The second of the deceased, also, is deemed guilty of murder, as being present aiding, and abetting; although Lord Hale seems to think the rule of law, as to principals in the second degree, too far strained in that case. And even in the case of a sudden quarrel, where the parties immediately fight, the case may be attended with such circumstances as will indicate malice upon the part of the party killing; and the killing then would be murder, and not merely manslaughter. If for instance, the party killing began the attack under circumstances of undue advantage, as if A and B quarrel, and A draw his sword and make a pass at B and B thereupon draw his sword, and they fight, and B is killed, A would be guilty of murder; for his making the pass before B had drawn his sword, shows that he sought his blood. So, where A and B quarrelled, and A threw a bottle at B and then drew his sword, and B then threw the bottle back at A and wounded him, upon which A immediately stabbed him; this was holden to be murder. But if the parties, at the commencement, attack each other upon equal terms, and afterwards, in the course of the fight, one of them in his passion snatch up a deadly weapon and kill the other with it; this would be manslaughter only, so, if there be any other circumstances in the case indicative of malice in the party killing, it will be murder. As, for instance, if two persons fight upon a sudden quarrel, and be separated; and one of them afterwards having provided himself with a deadly weapon, lies in wait for the other, to have an opportunity; thus armed to renew the quarrel; and they accordingly meet, quarrel, and fight, and the man who is armed kills the other; this is murder. So, if two persons fight from malice, and pretend or feign a reconciliation, and they afterwards meet and suddenly fight upon the score of the old malice, and one of them be killed; this is murder, and not merely manslaughter. So if B challange A, and A, refuse to meet him, but tell him that he shall be on his way to such a place upon business at such a time and B meet him on his way and assault him, and they fight, and A kills B, if it appear that A made this communication for the purpose of evading the law, by giving the fight the appearance of a sudden quarrel, the killing would be murder; but if the communication were made undesignedly, it would be manslaughter only. 2. Bexing and sword-playing are unlawful acts; therefore, if a player be killed such killing is manslaughter. But all struggles in anger whether by fighting, wrestling, or in any other mode, are unlawful, and death occasioned by them is manslaughter at the least. 3. If two men fight upon a sudden quarrel, and one of them after a while endeavour to avoid any further struggle, and retreat as far as he can, until at length no means of escaping his assailant remain to him, and he then turn round and kill his assailant, in order to avoid destruction, this homicide is excuseable as being committed in self defence; and malice apart, it is little matter, in such a case, which struck the first blow at the beginning of the contest, and the same, of course, where one man attacks another, and the latter, without fighting flies, and then turns round and kills his assailant, as above mentioned. But in either of these cases, to show that it was homicide se defendendo, it must appear that the party killing had retreated, either as far as he could, by reason of some wall, ditch, or other impediment; or as far as the fierceness of the assault would permit him; for the assault may have been so fierce as not to allow him to yield a step; without manifest danger of his life, or enormous bodily harm; and then, in his defence, if there be no other way of saving his own life, he may kill his assailant instantly. The distinction between this kind of homicide and manslaughter, is that here the slayer could not otherwise escape, although he would; in manslaughter he would not escape if he could, and as the manner of the defence, so is also the time, to be considered; for if the person assaulted do not fall upon the aggressor until the affray is over, or when he is running away, that is revenge, and not defence. Neither, under the cover of self-defence will the law permit a man to screen himself from the guilt of deliberate murder; for if A and B, agree to fight a duel, and A give the first onset, and B retreat as far as he safely can, and then kill A, this is murder, because of the previous malice and concerted design. Under this excuse of self defence the principal civil and natural relations are comprehended; therefore master and servant, parent and child husband and wife, killing an assailant in the necessary defence of each other respectively are excused; the act of the relation assisting being

construed the same as the act of the party himself There is one species of homicide so defendendo, where the party slain is equally innocent as he who occasions his death; as, for instance, that case mentioned by Lord Bacon, where two persons, being shipwrecked, have got on the same plank, but, finding it not able to save them both one of them thrusts the other from it, and he is drowned; this homicide is excusable through unavoidable necessity, and upon the principle of self-defence. 4. If when two persons are fighting, a third come up, and take the part of one of them, and kill the other; this will be manslaughter in the third party; and murder or manslaughter in the person whom he assisted, according as the fight was deliberate and premeditated, or upon a sudden quarrel If the fighting, however, were deliberate, otherwise of malice, and the third party, when he interfered, knew it to be so, the killing would be murder, both in the party who thus interfered, and in the person whom he assisted. If on the other hand, the third party, who thus interferes be killed, it is but manslaughter.

Killing upon provocation —No provocation whatever can render a homicide justifiable or even excusable; the least it can amount to is manslaughter. If a man kill another suddenly, without any, or without a considerable, provocation, the law implies malice and the homicide is murder, but if the provocation were great, and such as must have greatly provoked him, the killing is manslaughter only. In considering, however, whether the killing upon provocation amount to murder or manslaughter, the instrument where with the homicide was effected must also be taken into consideration; for if it were effected with a deadly weapon, the provocation must be great indeed to extenuate the offence to manslaughter: if with a weapon or other means not likely or intended to produce death, a less degree of provocation will be sufficient; in fact, the mode of resentment must bear a reasonable proportion to the provocation, to reduce the offence to manslaughter. Where some provoking words being used by a soldier to a woman, she gave him a box on the ear, and the Soldier immediately gave her a blow with the pomel of his sword on the breast, and then ran after her, and stabbed her in the back This was at first deemed murder; but it appearing afterwards that the blow given to the soldier was with an iron patten, and that it drew a great deal of blood, the offence was holden to be manslaughter only. Where two soldiers demanded to be admitted to a public house to drink, and the landlord refused, because it was after eleven o'Clock at night; one of them, however upon the door being afterwards opened to let out Company rushed in; and whilst the landlord was struggling to get him out, the other soldier struck the landlord on the head with a sharp instrument and killed him; this was holden to be murder, notwithstanding the struggle with the other soldier, besides the landlord had a right to put him out of his house. So, in all other cases, where upon a sudden provocation one beats another in a cruel and unusual manner, as that he dies, it is murder. An unwarrantable imprisonment of a man's person, however, has been holden sufficient provocation to make a killing, even with a sword, manslaughter only. Where A to prevent B from fighting with his brother, laid hold of him and held him down, but struck no blow, upon which B stabbed A; it was holden that if A did nothing more than was necessary to prevent B from beating his brother, and had died of the stab, the offence of B would have been murder; but that if A did more than was necessary to prevent the beating of his brother, it would have been manslaughter only. So, if a man pull another's nose, or offer him any other great personal indignity, and the other thereupon immediately kill him, it is manslaughter only. Or if a man take another in adultery with his wife, and kill him directly; upon the spot, this is manslaughter merely. So, if a father see another person in the act of committing an unnatural crime with his son and instantly kill him, it is manslaughter only; but if hearing of it, he go in quest of the party, and kill him, it is murder. Where a boy, after fighting with another, ran home bleeding to his father, and the father immediately took a small cudgel and ran three quarters of a mile to the place where the other boy was, and struck him a single blow with the stick, of which blow the boy afterwards died this was holden to be manslaughter only. Where a mob threw a pick pocket into a pond, for the purpose of ducking him, but he was unfortunately drowned; this was holden to be manslaughter. But it may safely be laid down as a general rule, that no words or gestures, however opprobrious or provoking, will be considered in law to be provocation sufficient to reduce homicide to manslaughter, if the killing be effected with a deadly weapon, or an intention to do the deceased some grievous bodily harm be otherwise manifested, but if effected with a blow of a fist, or with a stick, or other weapon not likely to kill, it is manslaughter only. And if there be a provocation by blows, which are not sufficiently violent in themselves to reduce the killing below the crime of murder, yet if they be accompanied by very aggravated words and gestures, this may make it manslaughter only. But in all cases, to reduce a homicide upon provocation to manslaughter it is essential that the battery or wounding &c., appear to have been inflicted

immediately upon the provocation being given, for if there be a sufficient cooling time for passion to subside and reason to interpose, be the person so provoked afterwards kills the other, this is deliberate revenge, and not heat of blood, and accordingly amounts to murder, so, if there be evidence of express malice, the killing will be murder, however great the provocation.

Killing by correction. Where a parent is moderately correcting his child, a master his servant or scholar, or an Officer punishing a criminal, and he happens to occassion his death, it is only misadventure; but if he exceed the bounds of moderation, either in the manner, the instrument or the quantity of punishment, and death, ensue, it is manslauhter at the least, and in some cases (according to the circumstances) murder. Where a master corrected his servant with an iron bar, and a school master stamped on his scholar's belly, so that each of the sufferers died: these were justly holden to be murders: because the correction being excessive and such as could not proceed but from a bad heart, it was equivalent to a deliberate act of killing. So, in all other cases, where the correction is inflicted with a deadly weapon, and the party dies of it, it will be murder; if with an instrument not likely to kill, though, improper for the purpose of correction it would be manslaughter. Where a master struck his servant with one of his clogs because he had not cleaned them, and death unfortunately ensued; it was holden to be manslaughter only; because the clog was very unlikely to cause death, and the master consequently could not have the intention of taking away the servants life by hitting him with it.

Killing in defence of Property, &c. If any person attempt to rob or murder another in or near the highway, or in a dwelling house, or attempt burglariously to break into any dwelling house in the night time, and be killed in the attempt, the slayer shall be acquitted and discharged; for the homicide is justifiable and the killing is without felony. And the same, where a man is killed in attempting to burn a house; or where a woman kills a man who attempts to ravish her; or where a man is killed in attempting to break open a house in the day time with intent to rob, or to commit any other forcible and atrocious crime. And not only the party whose person or property is thus attacked, but his servants and other members of his family and even strangers who are present at the time, are equally justified in killing the assailant. The above rule, however, does not extend to felonies without force, such as picking pockets, nor to misdemeanors of any kind; and even in cases within the rule, it must be proved that the intent to commit such forcible and atrocious crime was clearly manifested by the felon. Otherwise the homicide will be manslaughter at least, if not murder. But, in cases within the rule, it may be necessary to observe, that the party whose person or property is attacked, is not obliged to retreat as in other cases of self defence, but may even pursue the assailant until he find himself or his property out of danger.

What we have now said, relates to felonies by force. In the case of forcible misdemeanor's, such as trespass in taking goods, although the owner may justify beating the trespasser, in order to make him desist, yet if he kill him it will be manslaughter, or if, instead of beating him, he attack him with a deadly weapon, it would perhaps be murder, particularly if the wound were given after the party had deisted from the trespass. But in defence of a man's house the owner or his family may kill a trespasser who would forcibly dispossess him of it, in the same manner as he might by law kill in self defence a man who attacked him personally; with this distinction, however that in defending his house he need not retreat, as in other cases of se defendendo, for that would be giving up his house to his adversary. As to personal assaults, were the party assaulted kills his adversary we have already considered them under the foregoing heads.

Killing without intention whilst doing another act. If a person, whilst doing or attempting to do another act, undesignedly kill a man, if the act intended or attempted were a felony, the killing is murder; if unlawful *(malum in se)* but not amounting to felony, the killing is manslaughter: if lawful (that is not being malum in se) homicide by misadventure merely. If a man deliberately shoot at A, and miss him, but kill B, this is murder. So, if he strike at A, and by accident strike and kill B, it is murder. If a man lay poison for A, and B, (against whom he had no malicious intent) take it and it kill him, this is likewise murder. So if whilst two men are deliberately fighting, a third go between them to part them, and be killed by one of them it is murder, whether he were killed accidentally or designedly. If a man shoot at another's poultry, with intent to steal them, and by accident kill a man, it is murder; if without such intention, it is manslaughter; the act of shooting at the poultry being unlawful, but not felonious. If a man throw a stone at a horse, and it hit the rider and kill him, it is manslaughter. If when engaged in an unlawful or dangerous sport a man kill another by accident, it is manslaughter; if the sport were lawful and not dangerous, it would be homicide by misadventure merely. So, if a man, intending to kill a person attempting to commit a forcible and atrocious crime against his person or property, by mistake kill one of his own family, it is homicide by misadventure

merely. Where a man is at work with a hatchet, and the head of it flies off and kills a bystander, this is homicide by misadventure. So, if a man, shooting at game, by accident kill another, it is homicide by misadventure merely, even although the party be unqualified; for the use of fire arms by an unqualified person is merely a prohibited act, and not malum in se. There are two seeming exceptions, however, to the above rule. First If two persons be fighting under such circumstances that if one were killed it would be manslaughter only in the other, if, in such a case, an innocent party be unintentionally killed by one of them, it is manslaughter only. This perhaps. is not strictly an exception, for the act in which the parties are engaged, namely, the fighting, is not in itself felonious, although the result of it may be so. Secondly. Where an act, in itself lawful, is at the same time dangerous; in order to render an unintentional homicide from it excusable, it must appear that the party, whilst doing the act, used such a degree of caution as to make it improbable that any danger or injury should arise from it to others, if not, the homicide, will be manslaughter at the least. For instance, if a workman throw stones or rubbish, &c. from a house, and thereby kill a person passing underneath, it is murder, manslaughter, or homicide by misadventure, according to the degree of precaution taken by him that no person should be injured by them, and of the necessity of such precaution. If he did it without previously warning the persons beneath, and at a time when it was likely that persons were passing, it would be murder; if at a time when it was not likely that any persons were passing, it would be manslaughter; if in a retired place, were no persons were in the habit of passing, or likely to pass, it would be misadventure merely. But if he previously gave warning to the persons beneath, then, if it happened in a country village where few persons pass, it is misadventure only; if in London or other populous Town at a time when the Streets are full, it would be manslaughter. If a man breaking an unruly or vicious horse, ride him amongst a crowd, and the horse kick a man and kill him; that is murder, if the rider brought the horse into the crowd with an intent to do mischief, or even to divert himself by frightening the crowd; manslaughter, if done heedlessly and incautiously only. If a man, driving a cart or other carriage, drive it over another man and kill him if he saw or had timely notice of the probable mischief, and yet drove on, it would be murder; if he purposely drove it furiously in amongst a crowd, it would probably be murder, *semb*, if in a street where persons were much in the habit of passing, it would be manslaughter; if in a place where people did not usually pass, misadventure merely; provided he took that care which persons in similar situations are accustomed to do. If the driver of a carriage race with another carriage and urge his horses to so rapid a pace that he cannot control them, it is manslaughter in both drivers if in consequence the carriage upset and a passenger be killed. Where a man lays poison to kill rats, and another man takes it, and it kills him; if the poison were laid in such a manner or place as to be mistaken for food, it is perhaps, manslaughter; if otherwise, misadventure only. If a man discharge a loaded gun amongst a multitude of people, and death ensue, it is murder; for the law in such a case will imply malice. If he discharge it, merely for the purpose of unloading it, or the like, and death ensue, then, if it were in a place where persons were likely to pass, it is manslaughter; otherwise, misadventure only. Where a man gave a loaded gun to his servant to protect a corn-field from deer during the night, with instructions to fire when he heard any bustle in the corn by the deer; and the master himself unfortunately rushed into the corn during the night. and the servant, imagining it to be the deer, fired, and shot his master: this was holden to be misadventure Where a man, finding a pistol in the street, brought it home, and imagining (from having tried it with the rammer) that it was not loaded, presented it in sport at his wife, drew the trigger, and killed her: this was holden to be manslaughter; but Mr. Justice Foster doubts the propriety of the decision, as the defendant took the usual precaution to ascertain that the pistol was not loaded; and clearly, if he took not this or other reasonable precaution, it would be manslaughter. If a man shooting at butts or a target, by accident kill a bystander, it is misadventure; but this must be understood of cases where a proper precaution to prevent accidents has been taken; for if the target, &c. be placed near a high way or path, where persons are in the habit of passing, the killing would probably be deemed manslaughter. So, if, a man, knowing that people are passing along a street, want only throw a stone or shoot an arrow into it, likely to do an injury, with an intent to hurt some of the persons passing, and a person be killed by it, it is murder, although the stone or arrow was not intended to hit any particular person; but if it were done thoughtlessly and incautiously. and without intent to hurt any one then, if it were thrown or shot into a place where people were in the habit of passing, the killing is manslaughter, if into a place where persons were not likely to pass, misadventure only.

Killing Officers of Justice.—If a man kill an Officer of justice, either civil or criminal, such as a bailiff, constable, watchman, &c. in the legal execution of his duty, or any person acting in aid of him (whether specially called thereunto or not) or any private person endeavouring to suppress an

affray, or apprehend a felon, knowing his authority, or the intention with which he interposes; the law will imply malice, and the offender will be guilty of murder. And the Officer and persons acting in aid of him enjoy this privilege and protection, *eundo, morando, et redeundo.* Therefore if an Officer, on his way to do his duty, be opposed and killed, it is murder; or if he arrive at the place, and in consequence of opposition retreat, and on his retreat be killed, it is murder. Three things are to be attended to, in matters of this kind; the legality of the deceased's authority, the legality of the manner in which he executed it, and the defendant's knowledge of that authority; for if an Officer be killed in attempting to execute a writ or warrant invalid on the face of it, or against a wrong person, or out of the district in which alone it could legally be executed; or if a private person interfere and act in a case where he has no authority by law to do so; or if the defendant had no knowledge of the Officer's business, or of the intention with which a private person interferes, and the Officer or private person be resisted and killed: the killing will be manslaughter only. 1. As to the legality of the authority; if an Officer, having a warrant from a proper Magistrate to apprehend B, for felony; or if B, be indicted for felony; or if the hue and cry be levied against B; in these cases, if B, or any of his accomplices kill the Officer or any person joining in the hue and cry, it is murder, whether B, be guilty or innocent of the felony charged against him. But if the warrant were illegal and void upon the face of it; or issued with a blank in it, and the blank afterwards filled up; or attempted to be executed against C instead of B; the killing would be manslaughter only.

If a writ of execution in civil cases be correct upon the face of it, although the judgment be erroneous, or the proceedings irregular, if the Officer, in endeavouring to execute it, be resisted and killed, it is murder; but if the writ were a nullity on the face of it, or if the warrant upon it were attempted to be executed by any other than the Officer to whom it was directed (the Officer himself not being present, or at least, acting in the arrest) the killing would be manslaughter only. If an innocent person be indicted for a felony, and an attempt be made to arrest him for it without warrant and he resist and kill the party attempting to arrest him, if the party attempting the arrest were a constable, the killing is murder; if a private person, manslaughter; because the constable has authority by law to arrest in such a case; a private person has not. And the same in all cases where a person is arrested or attempted to be arrested upon a reasonable suspicion of felony. But if a man actually commit a felony, and another, in whose presence he committed it, attempt to arrest him for it, and be resisted and killed; or if a person, present at an affray, interfere for the purpose of restraining the offenders and keeping the peace, and be killed; or if a person, present when another attempts to commit a treason or felony, lay hold of him in order to prevent him, and be killed, the killing in these cases would be murder, whether the person arresting or interfering, &c., be a constable or not; for either has power to arrest or interfere, &c., in such a case. 2 As to the legality of the manner in which the authority is exercised: if the constable of the vill of A attempt without warrant to suppress a tumult in the vill of B, and be resisted and killed, it is manslaughter only; for he had authority, in such a case, within the vill of A alone. So, if a Sheriff's Officer attempt to execute a writ out of the proper county, and be resisted and killed, it is manslaughter only. But constables and other peace Officers may execute warrants out of their respective precincts, provided the place where the warrant is executed be within the jurisdiction of the Magistrate granting or backing the warrant. 3. As to the defendant's knowledge of the deceased's authority or intention when any Officer is in the legal execution of his duty, or a private person endeavouring to suppress an affray, or apprehend a felon, and is resisted and killed, if it appear that the slayer knew the Officer's business or the intent of the private person, either expressly from the deceased or impliedly from circumstances, the killing is murder; if it appear that he was ignorant in this respect, it is manslaughter only. Where a bailiff rushed into a gentleman's bed chamber early in the morning without giving the slightest intimation of his business, and the gentleman, not knowing him, in the impulse of the moment wounded him with his sword, and killed him; this was holden to be manslaughter. But where the bailiff or constable shews the warrant; or where it appears that he is known to the defendant to be an Officer; as, for instance, when the defendant said, "stand off, I know you well enough, come at your peril;" if after this the Officer be killed, it will be murder. If the constable interfere to prevent an affray within his own vill if he be killed by one of the inhabitants or other person, who knows him to be the constable, it will be murder; if by a stranger who does not know him, it is manslaughter. So, if one of several know him to be a constable, it will be murder in him, manslaughter in the rest. If a constable command the peace, or shew his staff of Office, this it seems is a sufficient intimation of his authority. And in such a case it is not necessary to prove the deceased's appointment as constable; proof that he was accustomed to act as constable is sufficient. But private persons, when they interfere, must expressly intimate their intention, otherwise killing them will be manslaughter only.

In all the cases however, above stated to be manslaughter only, if there be evidence of express malice in the party killing, the homicide will be murder.

Killing by Officers.—Where an Officer of justice, in endeavouring to execute his duty, kills a man, this is justifiable homicide, or manslaughter, or murder according to circumstances. 1. Where an Officer of justice is resisted in the legal execution of his duty, he may repel force by force; and if in doing so he kill the party resisting him, it is justifiable homicide; and this in civil as well as in criminal cases. And the same as to persons acting in aid of such Officer. Thus if a peace Officer have a legal warrant against B, for felony, or if B. stand indicted for felony, or if hue and cry be levied against B. in these cases if B. resist, and in the struggle be killed by the Officer, or any person acting in aid of him, or joining in the hue and cry, the killing is justifiable. So, if a private person attempt to arrest one who commits a felony in his presence, or interfere to suppress an affray, and be resisted and kill the person resisting, this is also justifiable homicide. And this, not merely on the principle of self-defence, for the Officer or private person is not bound to retreat, as in the case of homicide *se defendendo* but upon that principle, and the necessity of executing the duty the law has imposed upon him, jointly. Still there must be an apparent necessity for the killing; for if the Officer were to kill after the resistance had ceased, or if there were no reasonable necessity for the violence used upon the part of the Officer, &c. the killing would be manslaughter at the least. Also in order to justify an Officer or private person in these cases, it is necessary that they should, at the time, be in the act of legally executing a duty imposed upon them by law, and under such circumstances that if the Officer or private person were killed, it would have been murder; for if the circumstances of the case were such. That it would have been manslaughter only to kill the Officer or private person, it will be manslaughter at least in the Officer or private person to kill the party resisting. 2. If the prisoners in a Jail, or going to Jail, assault the Jailor, or Officer, and he in his defence kill any of them, it is justifiable for the sake of preventing an escape. 3. Where an Officer or private person, having legal authority to apprehend a man, attempts to do so, and the man, instead of resisting, flies, or resists and then flies, and is killed by the Officer or private person in the pursuit if the offence with which the man was charged were a treason or felony, or a dangerous wound given, and he could not otherwise be apprehended, the homicide is justifiable: but if charged with a breach of the peace, or other misdemeanor merely; or if the arrest were intended in a civil suit; the killing in such cases would be murder unless indeed, the homicide were occasioned by means not likely or intended to kill, such as tripping up his heels, giving him a blow of an ordinary cudgel or other weapon not likely to kill, or the like; in which case the homicide at most would be manslaughter only. 4 In a case of a riot or rebellious assembly, the Officers endeavouring to disperse the mob are justifiable in killing them, if the riot cannot otherwise be suppressed. 5. Where a criminal is executed by the proper Officer, in pursuance of his sentence, this is justifiable homicide. But if it be done by any other person, or not done in strict conformity with the sentence, as for instance, if an Officer be head one who is adjudged to be hanged, or the contrary, it is murder.—*Archbald, Beaufort* 812.

1		3	4	5	6	7	8
Paras of this Book.	Offence	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	MUTINY AND OFFENCES RELATING TO THE ARMY AND NAVY. *Baghát bórjooraiem mootaliqa afóé) bahreeóór baree.* রাজবিদ্রোহাচার ও পল্টন ও যুদ্ধ জাহাজ সম্পর্কীয় অপরাধ।						
5395	Abetting the committing of mutiny by an officer, soldier, or sailor in the Army or Navy of the Queen, or attempting to seduce any such Officer, soldier or sailor from his allegiance or his duty.	May arrest without warrant.	Warant.	Not bailable.	Transportation for life or 10 years' im. and fine.	Court of Session	*Act XLV.* 1860 *chap 7, sec.* 131.
5396	Abetting the committing of mutiny by an Officer, soldier, or sailor, in the Army or Navy of the Queen, if mutiny be committed in consequence of that abetment.	Ditto	Ditto	Ditto	Death or ditto ditto	Ditto	*Ibid, sec.* 132.
5397	Abetting an assult by an Officer, soldier or sailor, in the Army or Navy of the Queen, on any superior Officer being in the execution of his office.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	*Ibid, sec.* 133.
5398	Ditto Ditto if such assualt be committed in consequence of that abetment.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 134.
5399	Any person abetting what he knows to be an act of insubordination by an Officer, soldier, or sailor, in the Army or Navy of the Queen, if such act of insubordination be committed in consequense of that abetment.	May arrest without warrant.	Warrant	Bailable.	6 months' im. or fine or both.	Magistrate of District.	*Ibid, sec.* 138.
5400	No person subject to any articles of War for the Army or Navy of the Queen, or for any part of such Army or Navy, is subject to punishment under this Code for any of the offences defined in this chapter.						*Ibid, sec.* 139.
5401	If any person, not being a soldier in the military or naval service of the Queen wears any garb or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier.	Ditto	Summons	Ditto	3 months' im. or 500 Rs. fine or both.	Any Magistrate.	*Ibid, sec* 140

5402	Any person circulating or publishing any statement, rumour or report, which he knows to be false, with intent to cause any Officer, soldier, or sailor in the Army or Navy of the Queen to mutiny, or with intent to cause fear or alarm to the public and thereby to induce any person to commit an offence against the State or against the public tranquillity.	Shall not arrest without warrant.	Warrant.	Not bailable.	2 years' im. or fine or both.	Magistrate of the District.	*Act XLV.* 1860, *chap.* 22 *sec.* 505.

See desertion.

NUISANCE OR OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

Fael bais taqleef khatack éáné jooraiem jo amah khalaeq ki ifiut áór ámán áór hyá áór ádat par mowsir hye.

সাধারণ লোকেরদের স্বাস্থ্যের ব্যাঘাতজনক অপরাধ।

5403 *Def.* A person is guilty of a public nuisance, who does any act or is guilty of an illegal omission which causes any common injury, danger, or annoyance to the public, or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage,—*Act XLV.* 1860 *chap.* 14 *sec.* 268.

5404	Any person unlawfully or negligently doing any thing which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangreous of life,	May arrest without warrant.	Summons	Bailable.	6 months' im. or fine or both.	Magistrate of District or Subordinate Magistrate of 1st class.	*Act XLV.* 1860 *chap* 14 *sec* 269.
5405	Any person maliguantly doing any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Act XLV.* 1860 *chap.* 14 *sec.* 270
5406	Any person knowingly disobeying any rule made and promulgated by the Government of India, or by any Government, for putting any vessel in to a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places.	Shall not arrest without warrant.	Ditto	Ditto	6 months im. or fine or both	Ditto	*Ibid, sec.* 271.
5407	Adulterating any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink.	Ditto.	Ditto.	Ditto.	6 months' im. or 1,000 Rs. fine or both.	Ditto.	*Ibid, sec.* 272
5408	Selling, or offering or exposing for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	*Ibid, sec.* 273.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5409	Adulterating any drug or medical preparation in such a manner as to lessen the efficacy, or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration.	Shall not arrest without warrant.	Summons	Bailable.	6 months' im. or 1,000 Rs. fine or both.	Magistrate of District or Sub. Magistrate of 1st class.	*Act XLV.* 1860, *chap.* 14 *sec.* 274
5410	Any person knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation or to render it noxious, selling the same, or offering or exposing it for sale, or issuing it from any dispensary for medicinal purposes as unadulterated, or causing it to be used for medicinal purposes by any person not knowing of the adulteration.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 275.
5411	Knowingly selling, or offering or exposing for sale, or issuing from a dispensary for medicinal purposes any drug or medical preparation, as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec,* 276
5412	Voluntarily corrupting or fouling the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used.	May arrest without warrant.	Ditto	Ditto	3 months' im. or 500 Rs. fine or both.	Ditto	*Ibid, sec,* 277.
5413	Voluntarily vitiating the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way.	Shall not arrest without warrant.	Ditto	Ditto	500 Rs. fine.	Ditto	*Act XLV,* 1860 *chap,* 14 *sec* 278
5414	Driving any vehicle or riding on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person.	May arrest without warrant.	Ditto	Ditto	6 months' im. or 1,000 Rs. fine or both.	Ditto	*Ibid, sec.* 279.
5415	Navigating any vessel in a manner so rash or negligent as to endanger human life, or to cause hurt or injury to any other person.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 280.

5416	Exhibiting any false light, mark, or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator.	Ditto	Warrant	Ditto	7 years' im. or fine or both.	Court of Session.	*Ibid, sec.* 281.
5417	Knowingly or negligently conveying, or causing to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person.	Ditto	Summons	Ditto	6 months' im. or 1000 Rs. fine or both	Magistrate of district or Subordinate Magistrate Ist class.	*Ibid, sec.* 282.
5418	Any person by doing any act, or by omitting to take order with any property in his possession or under his charge, causing danger, obstruction, or injury to any person in any public way or public line of navigation.	Ditto	Ditto	Ditto	200 Rs. fine	Ditto	*Act XLV.* 1860, *chap.* 14, *sec.* 283.
5419	Doing with any poisonous substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any person, or knowingly or negligently omitting to take such order with any poisonous substance in the offender's possession as is sufficient to guard against probable danger to human life from such poisonous substance.	Shall not arrest without warrant	Ditto	Ditto	6 months' im. or 1,000 Rs fine or both.	Ditto	*Ibid, sec.* 284.
5420	Doing with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omitting to take such order with any fire or any combustible matter in the offender's possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	*Ibid, sec.* 285.
5421	Doing with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently ommitting to take such order with any explosive substance in the offender's possession as is sufficient to guard against any probable danger to human life from that substance.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec.* 286.
5422	Doing with any machinery, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omitting to take such order with any machinery in the offender's possession or under his care as is sufficient to guard against any probable danger to human life from such machinery.	Shall not arrest without warrant.	Ditto	Ditto	Ditto.	Ditto	*Ibid, sec.* 287.
5423	In pulling down or repairing any building, knowingly or negligently ommitting to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto	*Ibid, sec.* 288.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5424	Any person knowingly or negligently omitting to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal.	May arrest without warrant.	Summons	Bailable.	6 months' im. or 1000 Rs. fine or both.	Magistrate of District or Subordinate Magistrate I class.	*Act XIV.* 1860, *chap.* 14, *sec.* 289.
5425	Committing a public nuisance in any case not otherwise punishable by this code.	Not without warrant.	Ditto	Ditto	200 Rs. fine.	Ditto	*Ibid, sec.* 290.
5426	Repeating or continuing a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance.	May arrest without warrant.	Ditto	Ditto	6 months' simple im. or fine or both.	Ditto	*Ibid, sec,* 291.
5427	Selling or distributing, or importing or printing for sale or hire, or wilfully exhibiting to public view, any obscene book, pamphlet, paper, drawing, painting, representation, or figure, or attempting or offering so to do.	Ditto	Warrant	Ditto	3 months' im. or fine or both.	Ditto	*Ibid sec* 292.
5428	This section does not extend to any representation sculptured, engraved, painted or otherwise represented, on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.						*Ibid, Exception.*
5429	Any person having in his possession any such obscene book or other thing as is mentioned in the last preceding section (5427) for the purpose of sale, distribution, or public exhibition.	Ditto	Ditto	Ditto	3 months' im. or fine or both.	Ditto	*Act XIV.* 1860, *chap* 14 *sec.* 293.
5430	Singing, reciting, or uttering in or near any public place any obscene song, ballad, or words to the annoyance of others.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec.* 294.
	OFFENCES AGAINST PUBLIC JUSTICE. *Jooraiem mookkalif moadilut amut.* যথার্থ বিচার হইবার বাধাজনক অপরাধ।						
5431	If any person knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give.	Shall not arrest without warrant.	Summons	Bailable	6 months' im. or fine or both.	Magistrate of the district.	*Act XIV.* 1862 *chap. XI. sec.* 202.

5132	If any person, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false.	Ditto.	Warrant.	Ditto.	2 years' im or fine or both.	Ditto.	*Act* XIV. 1860, *chap*. 11, *sec* 203
5133	If any person secrets or destroys any document which he may be lawfully compelled to produce as evidence in a court of justice, or in any proceeding lawfully held before a public servant as such or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose.	Ditto	Ditto.	Ditto.	2 years' im. or fine or both.	Ditto	*Act XIV. chap.* 11, *sec* 204
5134	Falsely personating another and in such assumed character making any admission or statement, or confessing judgment, or causing any process to be issued, or becoming bail or security or doing any other act in any suit or criminal prosecution.	Ditto.	Ditto.	Ditto.	3 years' im or fine or both.	Court of Session	*Ibid, sec.* 205.
5135	Fraudulently removing, concealing, transferring, or delivering to any person any property or any interest therein. with the intention of preventing that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced or which the person doing so knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a Civil suit.	Ditto.	Ditto.	Ditto.	2 years' im or fine or both.	Magistrate of District or Subordinate Magistrate of 1*st* class.	*Act XIV.* 1860, *chap* 11, *sec* 206
5136	If any person fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Cuurt of Justice in a civil suit.	Ditto.	Ditto.	Ditto.	2 years' im or fine or both	Ditto.	*Act XLV.* 1860. *chap* 11, *sec.* 207

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5437	If any person fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for any thing in respect of which it has been satisfied.	Shall not arrest without warrant.	Warrant.	Bailable.	2 years' im. or fine or both.	Magistrate of district.	*Ibid, sec.* 208.
5438	A institutes a suit against Z, Z knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this Section.						*Ibid, Illustration*
5439	If any person fraudulently or dishonestly or with intent to injure or annoy any person makes in a Court of Justice any claim which he knows to be false.	Ditto	Ditto	Ditto	2 years' im. and fine.	Ditto	*Act XXV.* 1860, *chap.* 11, *sec.* 209
5440	If any person fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due, or for any property or interest in property to which he is not entitled or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for any thing in respect of which it has been satisfied or fraudulently suffers or permits any such act to be done in his name.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 210
5441	If any person, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 211.

5442	Ditto Ditto if such criminal proceeding be instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards.	Ditto	Ditto	Ditto	7 years' im. and fine.	Court of session.	*Ibid.*
5443	Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment shall be punished as follows.	May arrest without warrant.	Ditto	Ditto		Ditto	*Act XLV.* 1860, *chap.* 11, *sec.* 212
	If the offence is punishable with death.	Ditto	Ditto	Ditto	5 years' im. and fine.	Ditto	
	If the offence is punishable with transportation for life, or with imprisonment which may extend to ten years.				3 years' im. and fine.		
	If the offence is punishable with imprisonment which may extend to one year and not to ten years.	Ditto	Ditto	Ditto	¼ of the longest term of imprisonment of the description provided for the offence or fine or both.	By the court by which the offence is triable.	

5444. This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.—*Act XLV.* 1860 *chap.* 11, *sec.* 212, *Exception.*

5445 A knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here as B is liable to transportation for life, A is liable to imprisonment of either descriptions for a term not exceeding three years, and is also liable to fine.—*Ibid, Illustration.*

5446	If any person accepts or attempts to obtain or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall be punished as follows.						*Act XLV.* 1860, *chap.* 11, *sec.* 213.
	If the offence is punishable with death.	Not without war rant.	Ditto	Ditto	7 years' im. and fine.	Court of Session.	
	If the offence is punishable with transportation for life or imprisonment which may extend to ten years.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	
	If the offence is punishable with imprisonment not extending to ten years.	Ditto	Ditto	Ditto	¼ of the longest imprisonment of the description provided for the offence or fine or both.	By the court by which the offence is triable.	
5447	If any person gives or causes, or offers or agrees to give or cause any gratification to any person or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall be punished as follows.						*Ibid, sec.* 214.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	If the offence is punishable with death.	Ditto	Ditto	Ditto	7 years' im. and fine.	Court of session.	
	If the offence is punishable with transportation for life or imprisonment which may extend to 10 years.	Ditto	Ditto	Ditto	3 years' im. and fine.	Ditto	
	If the offence is punishable with imprisonment not extending to ten years.	Ditto	Ditto	Ditto	¼ of longest term of imprisonment of the description provided for offence or fine or both.	By the court by which the offence is triable.	

5448. The provisions of Sections 213 and 214 do not extend to any case in which the offence consists only of an act irrespective of the intention of the offender, and for which act the person injured may bring a civil action—*Act* XLV. 1860, *chap.* 10, *sec.* 214, *Excep.*

5449. A assaults B with intent to commit murder. Here, as the offence does not consist of the assault only, irrespective of the intention to commit murder, it does not fall within the exception, and cannot therefore be compounded.—*Ibid, Illus. a.*

5450. A assaults B. Here, as the offence consists simply of the act irrespective of the intention of the offender, and as B may have a civil action for the assault, it is within the exception and may be compounded.—*Ibid, Illus. b.*

5451. A commits the offence of bigamy. Here as the offence is not the subject of a civil action, it cannot be compounded.—*Ibid, Illus. c.*

5452. B commits the offence of adultery with a married woman. The offence may be compounded.—*Ibid, Illus. d.*

5453	If any person takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any moveable property of which he shall have been deprived by any offence punishable under this Code, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence.	Shall not arrest without warrant.	Warrant	Bailable.	2 years' im. or fine or both.	Magistrate of the District.	*Act* XLV. 1860, *chap* 10, *sec.* 215.
5454	Whenever any person convicted of or charged with an offence, being in lawful custody, for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following.						*Ibid, sec* 216.

	If the offence for which the person was in custody or is ordered to be apprehended is punishable with death.	May arrest without warrant	Ditto	Ditto	7 years' im. and fine	Court of Session	
	If the offence is punishable with transportation for life, or imprisonment for ten years.	Ditto	Ditto	Ditto	3 years' im. with or without fine	Ditto	
	If the offence is punishable with imprisonment which may extend to one year and not to ten years.	Ditto	Ditto	Ditto	¼ part of the longest term of im. of the description provided for the offence or fine or both	By the Court by which the offence is triable	
5455	This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.						*Ditto, Exception*
5456	If any person intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged, or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence.	May arrest without warrant	Warrant	Bailable	2 years' im. or fine or both	Magistrate of District or Subardinate Magt. 1st class	*Ibid, sec.* 224,
5457	The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody, was liable for the offence with which he was charged, or of which he was convicted.						*Ibid, Expl.*
5458	Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence shall be punished with.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 225
5459	Ditto Ditto if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with transportation for life, or imprisonment for a term which may extend to ten years.	Ditto	Ditto	Not bailable	3 years' im. and fine	Do or court of Session.	*Ibid*
5460	Ditto Ditto if the person to be apprehended or rescued, or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with death.	Ditto	Ditto	Ditto	7 years' im ann fine	Court of Session	*Ibid*
5461	Ditto Ditto if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a court of justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, penal servitude, or imprisonment, for a term of ten years or upwards.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid*

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5462	Ditto Ditto if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death.	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and fine	Ditto	*Ibid.*
5463	If any person having been lawfully transported, returns from such transportation, the term of such transportation not having expired, and his punishment not having been remitted.	Ditto	Ditto	Ditto	Transportation for life and 3 years rigorous im. before he is transported.	Ditto	*Act* XLV 1860 *chap.* 11 *sec.* 226.
5464	If any person having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted.	Shall not arrest without warrant.	Summons	Ditto	Punishment of original sentence or if part of the punishment has been undergone, the residue.	By the court by which the original offence was triable.	*Ibid, sec.* 227.
5465	If any person, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as a jury-man or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled, or sworn, or knowing himself to have been so empanelled, returned, or sworn contrary to law, shall voluntarily serve on such jury or as such assessor.	Ditto	Summons	Bailable	2 years' im. or fine or both.	Magistrate of the District	*Act* XLV 1860 *chap.* 11 *sec.* 229
	OPIUM LAWS.—BREACH OF *Khilâf urzee qunoon afioom.* আফিমের কানুনের বিপরীতাচরণ।						
5466	Any Officer of the Opium Department receiving any fee, gratuity, perquisite or allowance either in money or effects, under any pretence whatsoever, from any cultivator or from any other person employed or concerned in the provision of Opium, other than the authorized allowances of his situation.	Ditto	Ditto	Ditto	500 Rs, fine and Dismissal from Office	Any Magistrate (2705)	*Act* XIII 1857 *sec.* 17.
5467	Cultivator who has entered into engazements for the cultivation of poppy on account of Government, embezzling or otherwise illegally disposing of any part of the opium produced.	Ditto	Ditto	Ditto	Penalty of 10 times the fixed price of Opium disposed of or 500 Rs. fine if amount of penalty be less than this sum opium liable to confiscation.	Ditto	*Ibid, sec.* 19.

5468	Purchasing or receiving any opium from a cultivator or other person, who may have entered into engagements for the cultivation of the poppy, or who may be employed in the provision of opium on account of Govt. or bargaining for the purchase of opium with such cultivator or person, or in any way causing or encouraging such cultivator or person to embezzle or illegally dispose of any opium; and any Officer of the opium Department conniving in any way at the embezzlement or illegal disposal of the opium.	Ditto	Ditto	Ditto	1,000 Rs. fine; if opium exceed 31¼ seer the fine may be increased at 32 Rs. per seer on excess. Opium found liable to confiscation	Ditto	*Act XIII* 1857 *sec* 20
5469	Cultivating poppy without license from a sub-Deputy Agent or other Officer duly authorized in that behalf or causing, encouraging or promoting in any way such illegal cultivation.	Ditto	Ditto	Ditto	500 Rs. fine; if land cultivated exceed 20 Beegas the fine is to be at 25 Rs. per Beega Poppy plants to be destroyed and opium extracted to be seized and confiscated. If opium has been extracted and cannot be seized further fine at 32 Rs, per Beegha of land illegally cultivated	Ditto	*Ibid, sec.* 21.
5470	Proprietors, Farmers, Tuhseeldars, Gomashtas and other managers of land, knowingly neglecting to give immediate information to the Police or Abkaree Darogah or Opium Gomashtas, or to Magistrate, Collector or Officer in charge of the Abkaree mahals, or to the Opium Officers, of all poppy which may be illegally cultivated within their estates or farms.	Ditto	Ditto	Ditto	Ditto Ditto	Ditto	*Ibid, sec.* 22
5471	Police and Abkaree Daroghas and Opium Gomashtas, and all native Officers of Government of whatever description, and all Chowkeedars, Paiks and other village Police Officers neglecting to give immediate information to their superior authorities of any land having been illegally cultivated with poppy, when this fact comes to their knowledge, or in any respect conniving at the illicit cultivation of poppy.—*Vide* 3685—3710.	Ditto	Ditto	Ditto	1,000 fine if offender be an Opium Officer otherwise 500 Rs. fine	Ditto	*Ibid, sec* 23

Paras. of this Book.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a Summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment.	7 By what Court triable.	8 Authority.
	POST OFFICE LAWS.—BREACH OF *Khilaf urzee qunoon Dak Khana.* ডাকের কানুনের বিপরীতাচরন						
5472	Whenever the Post Master General of any Presidency shall have notified in the Official Gazette that the Banghy post is conveyed in the same carriage with the letter post along any line of road, it shall not be lawful to send by the Banghy post any letter or written communication of less weight than 12 Tolahs or any packet of News papers. Any person knowingly sending by Hanghy post along any such line of road any such letter, written communication, or Newspaper enclosed in a parcel.	Shall not arrest without warrant.	Summons	Bailable	50 Rs. fine for every offence. Postage shall be charged for every such letter packet or news paper as if sent separately by the letter post	Any Magistrate.	*Act XVII.* 1854, *sec.* 16.
5473	No person shall knowingly post, or send or tender or deliver in order to be sent by the post any letter, parcel, or packet containing any explosive or other dangerous material or substance. Any person contravening this prohibition.	Ditto	Ditto	Ditto	200 Rs. fine	Ditto	*Act XVII* 1854 *sec.* 24
5474	Wilful breach of rules prescribed for guidance of Government vendors of postage stamps.	Ditto	Ditto	Ditto	200 Rs. fine in addition to any other proceedings to which they may be liable	Ditto	*Ibid, sec.* 32
5475	Government vendor of postage stamp refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamp to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, the stamp vendor having in his possession for sale sufficient stamps of the description and value required.	Ditto	Ditto	Ditto	100 Rs. fine	Ditto	*Ibid, sec.* 33
5476	Any Government vender of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamp sold, shall be deemed guilty of extortion and shall be punished with.	Ditto	Ditto	Ditto	6 months' im. or 100 Rs. fine and refined of excess to purchaser	Magistrate of District	*Ibid, sec.* 34

5477	Forging or counterfeiting or causing or procuring to be forged or counterfeited any die, plate or other instrument used for the purpose of making postage stamps, or forging, or imitating, or causing to be forged or imitated any postage stamp, or knowingly and without lawful excuse the proof of which excuse shall be on the person accused having in possession any false, forged or counterfeited die, plate or other instrument resembling or intended to resemble either wholly or in part, any die, plate, or instrument used for the purpose aforesaid, or stamping or making any paper or other substance with any such false forged, or counterfeit die, plate or instrument as aforesaid, or knowingly using uttering, selling exposing for sale, or knowingly and without lawful excuse (the proof of which excuse shall be on the accused) having in possession any paper or other substance, having thereon the impression of any such false, forged or counterfeit die, plate or other instrument, as aforesaid, or having thereon any counterfeit Stamp resembling or intended to resemble or to be mistaken for a postal Stamp, and aiding, abetting, or assisting in committing any of the above offences	Ditto	Warrant	Bailable	7 years' im and fine	Court of session	*Ibid sec* 35 *cl* 1

5478 Any Officer of Police may seize and transmit to the Magistrate any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp —*Act XVII* 1854, *sec* 35, *cl* 2

5479 Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article, that may be found therein.—*Act XVII* 1854, *sec* 35, *cl* 3

5480	Fraudulently removing any postage stamp from any letter or other thing to which such stamp shall have been affixed or knowingly using any such stamp or stamps so fraudulently removed, or erasing or removing from any such stamp or stamps any writing or other matter or thing thereon written or impressed	Not without warrant	Summons	Bailable	200 Rs fine	Any Magistrate	*Act XVII* 1854, *sec* 36

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Paras of this Book	Offence.	Whether the Police may arrest without warrant or not	Whether a warrant, or a Summons shall ordinarily issue in the first instance	Whether bailable or not,	Punishment.	By what Court triable	Authority.
5481	When any vessel arrives by sea at any place within the British Territories in India at which there is a Post-Office, the commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same, and if there be on board any letter or packet directed to any other place and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander form all responsibility in respect of such letter or packet Every Commander of a vessel who shall wilfully disobey any of the directions contained in this section shall be punished with.	Shall not arrest without warrant	Summons	Bailable	Fine not exceeding 1000 Rupees	Any Magistrate	*Act XVII* 1854, *sec.* 40.
5482	The Commander of a vessel in ward bound or any one on board such vessel knowingly having in possession within the British Territories in India any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, whether such letter be in the baggage or on the person of the offender or otherwise in his custody.	Ditto	Ditto	Ditto	500 Rs, fine for every letter and detaining any such letter after demand by a Post Office Officer 100 Rs, fine for every letter	Ditto	*Act XVII* 1860, *sec.* 41.
5483	The Commander of a vessel leaving any place in the British Territories in India by sea refusing to receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office and to give a receipt for such letter or packet,	Ditto	Ditto	Ditto	1,000 Rs. fine	Ditto	*Ibid, sec* 43.

5484	Wilfully certifying by writing on any Official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or knowingly sending or delivering, or attempting to send or deliver for conveyance by post, any letter or packet with any such false certificate there on, and knowingly sending or permitting to be sent by post under color or pretence of an Official communication, any letter paper, writing or other enclosure of a private nature, and abetting or concealing any of the above offences with the view of defrauding the Post Office Revenue	Ditto	Ditto	Ditto	500 Rupees fine.	Ditto	*Ibid, sec* 47
5485	A person employed in the Post Office Department fraudulently secreting making away with, or appropriating any letter, parcel or packet which may have been entrusted to him, or any thing contained therein, or mutilating or breaking open any such letter, parcel or packet, or any Banghy parcel, or box, with intention of fraudulently appropriating any thing therein contained	Ditto	Warrant	Bailable	7 years' im and fine	Court of Session	*Act* XVII 1860 *sec* 50
5486	Any person detaining except for a criminal offence, Post Office messenger while carrying the mails, or detaining any carriage or horse on which the mails are being carried or on any pretence opening a packet, in transit from one Post Office to another	Ditto	Summons	Ditto	500 Rupees fine	Any Magistrate	*Ibid, sec* 51 *Order of Govt of India No* 2443 *Dec* 20, 1860
5487	Fraudulently retaining, or wilfully secreting, or making away with or keeping or detaining or being required to deliver up by an Officer of the Post Office neglecting or refusing to deliver up a Post letter or other article, which ought to have been delivered to any other person or a Post letter bag containing a letter or other article or packet which shall have been sent by the Post	Ditto	Warrant	Ditto	2 years' im and fine	Magistrate of District	*Ibid, sec.* 52
5488	Every person employed to convey or deliver any Post bag or any letter, parcel or packet sent by Post, being guilty while so employed of any act of drunkenness, carelessness, or other misconduct whereby the safety of any such bag or letter, parcel or packet shall be endangered, or loitering or making delay in the conveyance or delivery of any such bag, letter parcel, or packet, or not using proper care and diligence safely to convey or deliver any such bag letter, parcel, or packet	Ditto	Summons	Ditto	50 Rs fine	Any Magistrate.	*Act XVII* 1854 *sec* 53
5486	Any person employed to deliver a letter, parcel or packet sent by the post, who shall not duly deliver the same, shall within	Ditto	Ditto	Ditto	50 Rs. fine	Ditto	*Ibid*

1		3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
	a reasonable time, not exceeding 24 hours report the fact at the Post Office when he received it and return the same. Any such person wilfully making a false report.						
5490	A person being employed in the Post Office Department and being entrusted to receive money for postage duty or any other public purpose, fraudulently appropriating the same.	Not without warrant.	Warrant	Bailable.	2 years' im. and fine	Magistrate of District.	*Ibid, sec* 54.
5491	A person employed in Post Office Department fraudulently putting a wrong mark on any letter, parcel, or packet, or fraudulently altering, removing, or causing to disappear, any mark or stamp which is on any letter, or packet or fraudulently using or placing with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or aiding abetting or concealing any of the above acts.	Ditto	Ditto	Ditto	2 years' im. and fine.	Magistrate of District	*Ibid, sec.* 55.
5492	A person employed in the Post Office Department and entrusted with the preparing or keeping of any document, preparing it incorrectly or altering it, or aiding, abetting or concealing any of the above act, or secreting or destroying the document with a fraudulent intention.	Ditto	Ditto	Ditto	2 years' im. and fine.	Ditto	*Ibid, sec.* 56
5493	A person employed in the Post Office, sending by the Post or putting into any postage bag any unstamped letter, parcel or packet, upon which postage has not been paid or charged in the manner prescribed in this act, intending thereby to defraud the Government of the postage thereof; or aiding, abetting, or concealing any such act.—*Vide* 3741—3795.	Ditto	Ditto	Ditto	2 years' im. and fine.	Ditto	*Ibid, sec* 57.
	PRINTING PRESSES.—BREACH OF LAW RELALING TO. *Khilafurzee qanoon mootaliqa chhapakhánâ.* মুদ্রাযন্ত্র সম্পর্কীয় কানুনের বিপরীতাচরণ।						
5494	Printing or publishing any periodical work mentioned in sec. 2 Act XI. 1835 (3796) without conforming to the rules laid	Shall not arrest		Bailable	5,000 Rs. fine and 2 years' imprisonment.	Court of session	*Act XI. of* 1855 *sec.* 3.

	down in the said section, or printing or publishing or causing to be printed or published any such periodical work knowing that the said rules have not been observed with respect to that work.						
5495	Every book or paper printed within the territories of the British Government in India is to have printed legibly on it the name of the printer and of the publisher and the place of printing and of publication. Printing or publishing any book or paper otherwise than in conformity with this rule.	Ditto	Ditto	Ditto	5,000 Rs. fine and 2 years' imprisonment.	Ditto	*Act* XI. 1835 *sec*, 7.
5496	No person is within the territories of the British Government in India to keep in his possession any press for the printing of books or papers, who has not made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such press is "I A. B. declare that I have a press for printing at and this last blank is to be filled up with a true and precise description of the premises where such press is. Keeping in possession any such press without making such a declaration.	Ditto	Ditto	Ditto		Ditto	*Act* XI. 1835, *sec.* 8.
5497	Any person in making any declaration under the authority of this act knowingly affirming an untruth.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid*, *sec* 9.

PROPERTY MARK.

5498 *Def.* A mark used for denoting that moveable property belongs to a particular person is called "a property-mark."—*Act XLV.* 1860, *chap* 18, *sec* 479.

5499 Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked or any property or goods contained in any case, package, or other receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark —*Ibid*, 481.

5500	Using any false trade mark or any false property mark with intent to deceive or injure any person	Not without warrant	warrant.	Bailable.	1 year's im or fine or both.	Magistrate of the district or subordinate Magistrate of 1st class	*Act XLV* 1860, *chap.* 18, *sec.* 482
5501	With intent to cause damage or injury to the public or to any person, knowingly counterfeiting any trade or property mark used by any other person.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid*, 483.

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Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5502	With intent to cause damage or injury to the public or to any person, knowingly counterfeiting any property mark used by a public servant, or any mark used by a public servant, to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality or has passed through a particular Office or that it is entitled to any exemption, or using as genuine any such mark knowing the same to be counterfeit.	Shall not arrest without warrant.	Summons	Bailable.	3 years' im. and fine.	Court of session or Magistrate of the District.	*Act XLV.* 1860, *chap.* 18, *sec.* 484
5503	Making or having in possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property or trademark with intent to use the same for the purpose of counterfeiting such mark, or having in possession any such property or trademark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong at a person to whom they do not belong.	Ditto	Ditto	Ditto	3 years' im. or fine or both.	Ditto	*Act XLV.* 1860 *chap.* 18, *sec.* 485.
5504	Selling any goods with a counterfeit property or trademark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, with intent to deceive, injury or damage any person.	Ditto	Ditto	Ditto	1 year's im. or fine or both.	Magistrate of the Dist. or Subordinate Magistrate of 1st class.	*Act XLV.* 1860, *chap.* 18, *sec.* 486.

5505	Fraudulently making a false mark upon any package or receptacle containing goods with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contains goods, which it does contain, or that the goods contained in such package or receptacle are of a nature or quality different from the real nature or quality thereof	Ditto	Ditto	Ditto	3 years' im or fine or both	Ditto Ditto or Court of session	*Act XLV* 1860 *chap* 18 *sec* 487
5506	Fraudulently making use of any such false mark with the intent last aforesaid (5505) knowing such mark to be false	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid sec* 488
5507	Removing destroying or defacing any property mark intending or knowing it to be likely that he may thereby cause injury to any person	Ditto	Ditto	Ditto	1 year's im or fine or both	Magistrate of District or sub Magistrate of 1st class	*Ibid sec* 489

PUBLIC SERVANT OFFENCES BY OR RELATING TO

Jocriam jo sirkaree moolozimon ki janib se ôaqá ea oonse motalig ho

রাজকীয় কার্য্যকারকেরদের দ্বারা কিম্বা তাহাদের সম্পর্কীয় অপরাধ।

5508	A public servant or a person expecting to be a public servant, accepting or obtaining or agreeing to accept or attempting to obtain from any person for himself or another person any gratification whatever other than legal remuneration as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Legislative or Executive Government of India, or with the Government of any Presidency or with any Lieut Governor or with any public servant as such	Shall not arrest without warrant	Summons	Bailable	3 years' im or fine or both	Court of Session or Magistrate of District	*Act XLV* 1860 *chap* 9, *sec* 161

5508 "Expecting to be a public servant" If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating but he is not guilty of the offence defined in this section

Gratification The word 'gratification,' is not restricted to pecuniary gratifications or to gratifications estimable in money

'Legal remuneration' The words 'legal remuneration are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept

"A motive or reward for doing" A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done comes within these words —*Act XLV* 1860, *chap* 9 *sec* 161 *Explanation*

5510. A, a Moonsiff, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favor of Z, A has committed the offence defined in this section.—*Ibid, Illus. a.*

5511. A, holding the Office of Resident at the Court of a subsidiary power, accepts a lakh of Rupees from the minister of that power. It does not appear that A accepted this sum as a motive or a reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Gavernment. But it does appear that A accepted the sum as a motive or a reward for generally showing favor in the exercise of his official functions to that power, A has committed the offence defined in this section.—*Ibid, Illus. b.*

5512. A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a tittle for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Courttriable	Authority.
5513	Accepting, or obtaining, or agreeing to accept, or attempting to obtain, from any person, for himself or another, any gratification whatever as a motive or reward for inducing, by currupt or illegal means, any public servant to do or to forbear to do any act above specified (5508.)	Shall not arrest without warrant.	Summons	Bailable.	3 years' im. or fine or both.	Court of session or Magistrate of District.	*Act XLV.* 1860, *chap.* 9, *sec.* 162
5514	Doing Do. Do. for inducing any public servant by the exercise of personal influence to do any of the above acts, (5508.)	Ditto	Ditto	Ditto	1 year's simple im. or fine or both.	Magistrate of District.	*Ibid, sec,* 163.

5515. An advocate who receives a fee for argeeing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust; are not within this section inasmuch as they do not exercise or profess to exercise personal influence.—*Act XLV.* 1860, *chap. sec.* 163, *Illus.*

5516	4, Public Officer abetting any of the above two offences, (5513 and 5514.)	Not without warrant.	Summons	Bailable.	3 years' im. or fine or both.	Court of Session or Magistrate of District.	*Act XLV.* 1860, *chap.* 9, *sec.* 164

5517. A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an Office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or fine, or both. A is punishable with imprisonment for a term which may extend to three years, or fine, or both.—*Act XLV.* 1860, *chap. sec.* 164, *Illus.*

5518	Public servant accepting or obtaining, or agreeing to accept or attempting to obtain, for himself, or another, any valuable thing, without consideration, or for a consideration which he knows to be inadequate from any person whom he knows to have been, to be, or to be likely concerned in any proceeding or business transacted or about to be transacted by such public servant or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned.	Shall not arrest without warrant	Summons	Bailable.	2 years' simple im. or fine or both.	Magistrate of District or Subordinate Magistrate of 1st class	Act XLV 1860, chap. sec 165.

5519. A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty Rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred Rupees a month. A has obtained a valuable thing from Z without adequate consideration.—*Act XLV.* 1860, *chap. sec* 165, *Illus. a.*

5520. A, a Judge, buys of Z, who has a case pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.—*Ibid, Illus. b.*

5521. Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury, A sells to Z shares in a bank at a premium, when they are selling in the market at a discount, Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.—*Ibid, Illus. c.*

5522	Public servant, knowingly disobeying any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that, he will, by such disobedience, cause injury to any person.	Not without warrant.	Summons	Bailable.	1 year's simple im. or fine or both.	Magistrate of District or Sub. Magistrate of 1st class	Act XLV. 1860 chap. 9, sec. 166.

5523. A being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favor by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.—*Act* XLV. 1860, *chap. sec.* 166, *Illus.*

5524	A public servant charged with the preparation or translation of any document, framing or translating it in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury to any person.	Shall not arrest without warrant.	Summons	Bailable.	3 years' simple im. or fine or both.	Court of Session or Magistrate of District	Act XLV. 1860 chap. sec. 167.
5525	A public servant legally bound not to engage in trade, engaging in trade.	Ditto	Ditto	Ditto	1 year's simple im. or fine or both.	Magistrate of District	Ibid, sec. 168
5526	A public servant legally bound not to purchase or bid for certain property, purchasing or bidding for that property either in his own name or in the name of another or jointly or in shares with others.	Ditto	Ditto	Ditto	2 years' simple im. or fine or both and confiscation of property if purchased.	Ditto	Ibid, sec. 169

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
5527	A person pretending to hold any public Office, knowing that he does not hold it, or falsely personating any other person holding such Office, and in such assumed character, doing or attempting to do any act under color of such Office.	May arrest without warrant	Warrant	Bailable.	2 years' im. or fine or both.	Any Magistrate	*Act XLV* 1860, *chap.* 9, *sec.* 170
5528	A person not belonging to a certain class of public servants, wearing any garb or carrying any token resembling any garb or token used by that class of public servants with the intention that it may be believed or with the knowledge that it is likely to be believed that he belongs to that class of public servants.	Ditto	Summons	Ditto	3 months' im. or 200 Rs. fine or both.	Ditto	*Ibid, sec.* 171.
5529	A public servant knowingly disobeying any direction of the Law as to the way in which he is to conduct himself as such public servant, intending thereby to save or knowing it to be likely that he will thereby save any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or any charge to which it is liable by law	Shall not arrest without warrant.	Ditto	Ditto	2 years' im. or fine or both.	Magistrate of district or subordinate Magistrate of 1st class.	*Act XLV.* 1860, *chap.* 11, *sec.* 217
5530	A public servant charged with the preparation of any record or other writing framing it in a manner which he knows to be incorrect, with intent to cause or knowing it to be likely that he will thereby cause loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or any property from forfeiture or other charge to which it is liable by law.	Ditto	Warrant.	Ditto	3 years' im. or fine or both	Court of Session	*Act XLV* 1860, *chap.* 11, *sec* 218
5531	A public servant corruptly or maliciously making or pronouncing in any stage, of a judicial proceeding, any report, order, verdict or decision which he knows to be contrary to law	Ditto	Ditto	Ditto	7 years' im. or fine or both.	Ditto	*Ibid, sec* 219.

5532	A person who possesses by virtue of his Office legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously committing any person for trial or to confinement or keeping any person in confinement in the exercise of that authority knowing that in so doing he is acting contrary to law.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 220
5533	A public servant legally bound to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omitting to apprehend such person, or suffering him to escape, or aiding him in escaping or attempting to escape from such confinement shall be punished as follows.						*Ibid, sec* 221
	If the person in confinement or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death.	Ditto	Ditto	Ditto	Ditto with or without fine	Ditto	
	If the said offence was punishable with transportaion for life or imprisonment which may extend to ten years.	Ditto	Ditto	Ditto	3 years' im. with or without fine.	Ditto	*Ibid*
	If the said offence was punishable with imprisonment for less than ten years.	Ditto	Ditto	Ditto	2 years' im. with or without fine	Magistrate of District or Sub Magistrate of 1st class	*Ibid*
5534	A public servant legally bound to apprehend or keep in confinement any person under sentence of a Court of Justice for any offence, intentionally ommitting to apprehend such person or suffering him to escape, or aiding him in escaping or attempting to escape from such confinement shall be punished as follows :—						*Ibid, sec.* 222
	If the person in confinement or who ought to have been apprehended is under sentence of death.	Ditto	Ditto	Not bailable	Transportation for life or 14 years' im. with or without fine	Court of session.	
	If the said person is under sentence or transmutation of sentence liable to transportation for life or penal servitude for life or to transportation or penal servitude or imprisonment for ten years or upward.	Ditto	Ditto	Ditto	7 years' im. with or without fine	Ditto	
	If the said person is under sentence of imprisonment for a term not exceeding ten years.	Ditto	Ditto	Bailable	3 years' im. or fine or both	Ditto or Magistrate of District	
5535	A public servant bound to keep in confinement any person charged with or convicted of any offence negligently suffering such person to escape from confinement.	Ditto	Summons	Ditto	2 years' simple im. or fine or both	Magistrate of District or Sub Magistrate of 1st class.	*Ibid, sec.* 223

1	2	3	4	5	6	7	8
Paras. of this Book.	Offences.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5536	Intentionally offering any insult or causing any interruption to any public servant, while he is sitting in any stage of a judicial proceeding.	Not without warrant.	Summons	Bailable.	6 months simple im. or 1000 Rs. fine or both	Court in which the offence is committed subject to the provisions contained in chap. 10 Act 25, 1861.	*Act XLV.* 1860, *chap.* 17, *sec.* 228
	RAILWAY LAWS.—BREACH OF *Khilaf urzee Qanoon mootaleqa relgaree.* রেলওএ সম্পর্কীয় আইনের বিপরিতাচরণ।						
5537	Defrauding or attempting to defraud any Railway Co., by travelling or attempting to travel upon any Railway carriage without having previously paid his fare or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the company beyond the place for which he shall have paid his fare, without previously paying the fare, for the additional distance and with intent to avoid payment thereof; or knowingly and wilfully refusing or neglecting on arriving at the point to which he shall have paid his fare, to quit such carriage; or attempting to evade payment of fare in any other manner whatever.	Shall not arrest without warrant But see sec. 5557	Summons	Bailable	50 Rs fine for each offence	Any Magistrate.	*Act* XVIII. 1854 *sec.* 3.
5538	Getting into or upon, or attempting to get into or upon, or quitting or attempting to quit any carriage upon a Railway, while it is in motion, or riding or attempting to ride upon any Railway on the steps or any other part of the carriage except on those parts which are intended for the accomodation of passengers.	Ditto	Ditto	Ditto	20 Rs fine for each offence	Ditto	*Ibid, sec.* 4.

5539	Any person other than the Engineman and Fireman, and assistant Fireman, if any riding or attempting to ride upon any Locomotive Engine or tender, upon any Railway, without the special license of the Supd of Locomotives, any person other than the guard or breaksman, riding or attempting to ride upon any Railway in or upon any luggage van or goods Waggan or other vehicle not appropriated to the carriage of passengers	Ditto	Ditto	Ditto	Ditto 20 Rs fine	Ditto	*Act* XVIII 1845 *sec* 6
5540	Smoking either on the premises or in or upon any of the carriages belonging to any Railway Co, except in places or carriages hich may be specially provided for the purpose	Ditto	Ditto	Ditto	20 Rs fine for each offence	Ditto	*Ibid, sec* 6
5541	If any person persist in infringing this regulation (5540) after being warned to desist by any of the servants of the Railway Company such person in addition to incurring the liability above mentioned may be removed by any of the servants of the Company from any such carriage and from the premises of the Company and shall forfeit his fare.						*Ibid*
5542	Being in a state of intoxication or committing any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any Railway Co, or wilfully and without lawful excuse, interfering with the comfort of any passenger on a Railway	Ditto	Ditto	Ditto	20 Rs fine The offender may also be removed by any of the servants of the company from such carriage and premises and shall forfeit his fare	Ditto	*Act* XVIII 1854 *sec* 7
5543	If any special carriage or portion of a carriage or any private room or apartment shall be provided by any Railway Co, for the exclusive use of females, any male person entering it without lawful excuse knowing it to be exclusively appropriated as aforesaid, or remaining therein after having been informed of its exculusive appropriation	Ditto	Ditto	Ditto	100 Rs fine and removal as above and forfeiture of fare	Ditto	*Ibid sec* 8
5544	Any owner of things or other person wilfully failing to give the account required by the previous Section (3807) to the servant of the Co, or wilfully given a false account thereof	Ditto	Ditto	Ditto	50 Rs fine for every ton of goods or for any parcel exceeding 1 cwt and 20 Rs fine for goods less than a ton or any parcel less than 1 cwt	Ditto	*Ibid sec*
5545	Carrying upon any Railway any dangerous goods or delivering to any Railway Company any such goods for the purpose of being carried upon such Railway without distinctly marking their nature on the outside of the package containing the same or otherwise giving notice in writing of the nature thereof to the book keeper or other servant of the Co, to whom the same shall be delivered for the purpose of being so carried	Ditto	Ditto	Ditto	200 Rs fine Railway Company can refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature and to require the same to be opened to ascertain the fact previously to carrying the same	Ditto	*Act* XVIII 1854 *sec* 15

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
5546	Wilfully obstructing or impeding any Officer or servant of a Railway Co., in the discharge of his duty on such Railway or any of the works, stations, or premises connected therewith.	Ditto	Ditto	Ditto	50 Rs. fine.	Ditto	*Ibid, sec.* 16.
5547	Trespassing upon any Railway or upon any of the lands, Stations, or other premises belonging to the Co.				20 Rs fine		*Ibid, sec.* 17.
5548	If any such person (5547) shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company or by any other person on behalf of the Company he may be immediately removed from such railway or premises by such Officer, servant or other person as aforesaid and liable to.	Ditto	Ditto	Ditto	50 Rs. fine.	Ditto	
5549	Wilfully riding, leading, driving upon or across any Railway, any animal except in directly crossing it at any road or place appointed for that purpose at a time at which he shall be law fully authorized so to do.	Ditto	Ditto	Ditto	50 Rs fine	Ditto	*Ibid, sec.* 18.
5550	If the Railway cross any public carriage Road on a level, the Railway Co., shall erect and at all times maintain good and efficient gates, either across the Railway or across the road on each side of the Railway, where the same shall communicate with the road, and shall employ proper persons, to open and shut such gates; if such gates be across the road they shall be kept constantly closed except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway and prevent cattle or horses passing along the road, from entering upon the Railway. If the gates be across the Railway, they shall be kept closed except when engines or carriages passing along the Railway, shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence	Ditto	Ditto.	Ditto.	200 Rs. fine Magistrate or Justice of the peace may in case any such gates be not erected or maintained order the Co to erect and maintain the same within a true to be specified in the order and in case of wilful facture on the part the Railway Co., to comply with such order, they shall be liable to a fine not exceeding 200 Rs for every day that they shall wilfully fail so to do.	Ditto	*Ibid, sec.* 19

	in the Railway and prevent Cattle, carriages or passengers from entering upon the Railway Provided that it shall be lawful for the Local Government in any case to order that the gates shall be across the road or across the Railway, as the government may think fit and in such case the gates shall be erected, maintained and closed accordingly Any Railway Company wilfully failing to comply with these provisions					
5551	Railway Co, failing to erect and maintain good and sufficient fences on each side of the Railway	Ditto	Ditto	Ditto	50 Rs fine	Ditto	*Ibid sec* 20
5552	It will be lawful for a Magistrate of Justice of the Peace to order the Co, to erect or repair any such fence within a time to be specified in the order, and upon failure of the Co, to comply with such order	Ditto	Ditto	Ditto	50 Rs fine for every day of the failure	Ditto	*Ibid*
5553	Owner of any animal which shall trespass or stray upon any Railway or upon any land belonging to Railway Co, except for the want of the erection or maintenance of any fence or gate which the Co, is bound, to erect or to maintain shall be punished with	Ditto	Ditto	Ditto	10 Rs fine for each animal	Ditto	*Act* XVIII 1854 *sec* 21
5554	It shall be lawful for the Co or any of their servants to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid or until the Magistrate shall otherwise order A Magistrate may upon proof of the trespass cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum not exceeding 10 Rupees for each animal as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand						*Ibid*
5555	Unlawfully and wilfully removing or defacing the number plates or removing or extinguishing any lamp on any Carriage belonging to a Railway Co, or wilfully or negligently damaging or injuring any carriage Engine, Waggontruck, Warehouse, Building, Machine, Fence or any other matter or thing belonging to a Railway Co	Ditto	Ditto	Ditto	50 Rs fine	Ditto	*Ibid, sec* 22

1		3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment	By what Court triable	Authority.
5556	Any person for whose use or accommodation any gate shall have been set up by any Railway Co., on either side of such Railway or any other person opening such gate or passing or attempting to pass, or driving or attempting to drive any carriage, cattle, or other animal, or thing across the said Railway at a time when any Engine or train approaching along the same shall be in sight; or at any time omitting to shut and fasten such gate as soon as he and any carriage, cattle, or other animal or thing under his charge shall have passed through the same.	Ditto	Ditto	Ditto.	50 Rs. fine	Ditto	Act XVIII 1854, sec 23.
5557	If any person shall commit any offence hereby made punishable by fine and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any Officer or servant of the Company, or any Police Officer, or other person whom such Officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender, until he can be taken before a Magistrate or other officer having jurisdicting over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.						Ibid, sec 24
5558	Wilfully doing any act or wilfully omiting to do what a person is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered.	Ditto.	warrant	Ditto	Tranportation for life beyond Sea or 7 years' imprisonment.	Court of Session.	Ibid, sec. 25.
5559	Any Officer or servant of a Railway Company wilfully doing any act which he is legally prohibited from doing, or wilfully or negligently omitting to do what he is legally bound to do and in consequence of such Act or omission the safety of any	Ditto	Ditto	Ditto	3 years' im or fine or both	Court of Session or Magistrate of District	Ibid, sec 26.

	person travelling or being upon the Railway shall be endangered.						
5559	Any Officer or servant of a Railway Company being in a state of intoxication whilst actually employed upon the Railway or any of the works connected therewith in the discharge of any duty, or negligently omitting to perform his duty or performing it in an improper manner	Ditto	Summons	Ditto	50 Rs fine	Any Magistrate	*Act* XVIII. 1851, *sec* 27
5561	If the duty in any of the above cases (5560) be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway	Ditto	Ditto	Ditto	1 year im or fine or both	Magistrate of District	*Ibid*
5562	Rashly or negligently and without lawful excuse, doing any act which shall be likely to endanger the safety of any person travelling or being upon such Railway	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 28
5563	Railway Company failing to give notice to the Local Government the occurrence upon their Railway of any accident attended with serious personal injury within 48 hours after the occurrence	Ditto	Ditto	Ditto	50 Rs fine for every day during which the omission to give the same shall continue	Any Magistrate	*Ibid, sec* 41
5564	Railway Company failing to make up and deliver to the Local Government a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to them whether attended with personal injury or not, in the prescribed form when required by Local Government, within 14 days after it has been required —*Vide* 3804-3821	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 42

OF RAPE

Zinâ bilyabar

বলাৎকার।

5565 A man is said to commit "rape" who, except in the case hereinafter excepted, his sexual intercourse with a woman under circumstances falling under any of the five following descriptions

First Against her will.

Secondly Without her consent

Thirdly With her consent, when her consent has been obtained by putting her in fear of death, or of hurt

Fourthly With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married

Fifthly. With or without her consent, when she is under ten years of age —*Act XIV.* 1860, *chap* 16, *sec* 375

5566 Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.—*Ibid, Expl*

5567 Sexual intercourse by a man with his own wife, the wife not being under ten years of age, is not rape —*Ibid, Excep*

5568	Commiting Rape	May arrest without warrant.	Warrant Not Bailable	Transportation for life or 10 years' im. and fine.	Court of session	*Act XLV* 1860, *chap* 16 *sec* 376	

5569. Where the only evidence against the prisoner was that of the girl alleged to have been ravished, and she was too young to be sworn, the court directed his release. N. A. R. Vol. 2, page 415. So, Where the woman violated was deaf and dumb, and it was not possible to administer an oath to her; the prisoner, though indicated by her as the person who ravished her, was acquitted for want of evidence. N A. R. vol. 3, page 59 But where the evidence of the ravished girl aged about nine years, and of another of the same age, was corroborated by that of the girl's mother and of others as to the state of her clothes and body, the proof was held sufficient for conviction. N. A. R. vol. 2, page 292 The declaration of the woman, though made almost immediately after the occurrence to her relations and afterwards taken down by the Police Officers, was held alone, insufficient for conviction; N. A. R. vol. 2, page 411: and so, the evidence of the woman on oath corroborated by witnesses whose veracity was doubtful, was considered in sufficient to prove the violence, though it might substantiate a charge of Adultery —*N. A. R. vol.* 4, *page* 35.

5570. Where there was no evidence to prove the identity of the prisoners, but the statements of four children examined without oath, the court returned the proceedings with directions, that such of them as evinced a sense of the obligation of deposing truly should be sworn to the truth of their depositions.—*N. A. R vol.* 3, *page* 194.

5571. When the prisoners were originally tried for highway robbery and acquitted; but, though no charge of rape was preferred against them by the prosecutrix on that occasion, four of them acknowledged themselves and implicated a fifth prisoner, as concerned either as principals or accessaries in a rape on her person; and they were all indicted on these confessions; as no other evidence appeared agaist them, they were acquitted.—*N. A. R. vol.* 3, *page* 325.

5572. In English law, an infant under the age of fourteen years is presumed by law unable to commit a rape; but he may be a principal in the second degree, as aiding and assisting, if it appear by the circumstances of the case that he had a mischievous intent. Nor is evidence admissable against him to show that in point of fact he has attained the full state of puberty and was capable of committing the crime. A husband also cannot be guilty of a rape upon his wife; but he may be guilty as a principal in assisting another person to commit a rape upon her; and in such case the wife is a competent witness against her husband. It must be proved that the offence was committed against the will of the woman, which of course implies violence; but it is no excuse that she yielded at last, if her consent was forced from her by fear of death or duress; and so, it is rape if the connection took place when she was in a state of insensibility from liquor, having been made drunk by the prisoner, though the liquor was given only for the purpose of exciting her. Nor is it any excuse that she consented after the fact; or that she was a common strumpet, for she is still under the protection of the law, and may not be forced; or that she consented at first, if the offence was afterwards committed by force or against her will, or that she was a concubine to the ravisher, for a woman may for sake her unlawful course of life, and the law will not presume her incapable of amendment. All these circumstances, however, are material to be left to the jury in favor of the accused, more especially in doubtful cases, and where the woman's testimony is not corroborated by other evidence. It seems doubtful whether the carnal knowledge of a woman under circumstances which induce her to suppose it is her husband, amounts to a rape; and where the indictment has been for rape under such circumstances, the prisoners have been convicted of an assault under a special statute, which enacts, that on the trial of any person for any felony, where the crime charged includes an assault against the person, the prisoner may be acquitted of the felony and punished for the assault. To constitute the offence of rape there must be a penetration; and any, the slightest, penetration will be sufficient; even where the hymen has not been raptured; "but where that which is so very near to the entrance has not been raptured, it is very difficult to come to the conclusion that there has been penetration so as to sustain a charge of rape." But it is not necessary to prove emission; and where the circumstances are proved to have been such that no emission did or could take place the offence is complete if the penetration is proved. The party ravished, says Lord Hale may give evidence upon oath, and is in law a competent witness; but the credibility of her testimony, and how far she is to be believed, must be left to the jury, and it is more or less credible according to the circumstances of fact that concur in that testimony. For instance, if the witness be of good fame, if she presently discovered the offence, and made pursuit after the offender; showed circumstances and signs of the injury; if the place, in which the fact was done, was remote from people, inhabitants, or passengers; if the offender fled for it; these and the like are concurring evidences to give greater probability to her testimony, when proved by others as well as herself. On the other hand, if she be of evil fame, and stand unsupported by the testimony of

others; if she concealed the injury for any considerable time, after she had an opportunity to complain; if the place, where the fact was alleged to have been committed were such that it was probable she might have been heard by others, and she made no outcry; such circumstances carry a strong, but not a conclusive, presumption that her testimony is false. The defendant may give evidence of the woman's notoriously bad character for want of chastity or common decency; or that she had before been connected with himself; but he cannot give evidence of any other particular facts to impeach her chastity: but if, on cross examination, she deny having had intercourse with other men than the prisoner, those men may be called to contradict her. So, what she herself said so recently after the fact as to preclude the possibility of her being practised on, has been holden to be admissible in evidence as a part of the transaction; but the particulars of her complaint are not evidence of the truth of her statement. A strict caution is given by Lord Hale with regard to the evidence for the prosecution in cases of rape; "an accusation easily to be made, and hard to be proved, and harder to be defended by the party accused, though ever so innocent." The unlawful and carnal knowledge and abuse of a girl under the age of ten years is felony; and if the girl is above the age of ten and under the age of twelve years, the offence is a misdemeanor; and in these cases it is immaterial whether the act was done with or without the consent of the female. The child herself, however tender her age, if capable of distinguishing between right and wrong, may be examined in proof of the offence, but her declarations are inadmissible; though the fact of her having complained of the injury, recently after its having been received, is evidence in corroboration.—*Roscoe and Archbald Beaufort* 841.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	RECEIVING STOLEN OR PLUNDERED PROPERTY. *Lená mál marsooqa éá maghroota.* চুরির দ্রব্য গ্রহণ।						*Act XLV* 1860. *chap. XVII. sec.* 410.
5573	*Def.*—Property the possession whereof has been transferred by theft or by extortion or by robbery, and property which has been criminally misappropriated, or in respect of which the offence of criminal breach of trust has been committed is designated as "stolen property." But if such property subsequently comes in to the possession of a person legally entitled to the possession thereof it then ceases to be stolen property						
5574	Dishonestly recieving or retaining any stolen property, knowing or having reason to belive it to be stolen property.	May arrest without warrant.	Warrant.	Not Bailable.	3 years' im. or fine or both.	Court of Session or Mgistrate of Distr'ct or Sub. Magistrate of 1st class.	*Ibid, sec.* 411.
5575	A person dishonestly receiving or retaining any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of Dacoity, or dishonestly receiving from a person, whom he knows or has reason to believe to	Ditto	Ditto	Ditto	Transportation for life or 10 years' rigourous im. and fine.	Court of Session.	*Act XLV.* 1860, *chap. XVII. sec.* 412.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable	Authority.
	belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen.						
5576	A person habitually receiving or dealing in property which he knows or has reason to believe to be stolen property.	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and fine	Ditto	*Ibid, sec.* 413.
5577	A person voluntarily assisting in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property.	Ditto	Ditto	Ditto	3 years' im. or fine or both.	Court of Session or Magistrate of District or Sub. Magistrate of 1st class.	*Ibid, sec.* 414

5578. In English law, by 7 and 8 Geo. 4, chap 29, sec. 57, in order to encourage the prosecution of offenders, it is enacted, that "if any person, guilty of any such felony or misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving any cattle, money, valuable security, or other property whatsoever, shall be indicted for any such offence by or on behalf of the owner of the property or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner, or his representative, and the Court, before whom any such person shall be so convicted, shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner; provided always, that if it shall appear before any award or order made that any valuable security shall have been bônafide paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been bônafide taken or received, by transfer or delivery, by some person or body corporate for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had, by any felony or misdemeanor, been stolen, taken, obtained, or converted as aforesaid, in such case the court shall not award or order the restitution of such security." The Court cannot, under the above provision, order a Bank of England Note, which has been paid and cancelled, to be delivered up to the prosecutor of an indictment against the party who stole it. Where a prisoner was convicted of stealing, money and it appeared that he had left in the care of another a horse, which it was clear from the evidence, he must have purchased with the stolen money the Judge made an order for the delivery of the horse to the prosecutor.—*Roscoe's Digest Beaufort p.* 900.

RELIGION OFFENCES RELATING TO.

Jooraim mootaliqa deen

ধর্ম্ম সম্পর্কীয় অপরাধ।

5579	Destroying, damaging or defiling any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion	May arrest without warrant.	Summons	Bailalbe	2 years' im. or fine or both.	Magistrate of the District.	*Act XLV.* 1860, *chap.* 15, *sec* 295.

5580	Voluntarily causing disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies.	Ditto	Ditto	Ditto	1 year's im. or fine or both.	Ditto	*Ibid, sec* 296.
5581	Committing any trespass in any place of worship or on any place of sepulchre or any place set apart for the performance of the funeral rites or as a depositary for the remains of the dead, or offering any indignity to any human corpse, or causing disturbance to any persons assembled for the performance of funeral ceremonies, with the intention of wounding the feelings or insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted by so doing.	Ditto	Ditto	Ditto	1 year's im. or fine or both.	Ditto	*Ibid, sec* 297
5582	Uttering any word or making any sound in the hearing of any person, or making any gesture in the sight of any person or placing any object in the sight of any person, with the deliberate intention of wounding his religious feelings.	Not without war rant.	Ditto	Ditto	1 year's im or fine or both.	Ditto	*Ibid, sec* 298.
	RIOT. *Balwá* হঙ্গামা।						
5583	*Def.*—Whenever force or violence is used by an unlawful assembly or by any member thereof in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.						*Act* XLV 1860. *chap.* 8, *sec.* 146
5584	Committing riot.	May arrest without warrant	Warrant	Bailable	2 years' im. or fine or both.	Any Magistrate.	*Ibid, sec.* 147.
5585	If any person is guilty of rioting, being armed with a deadly weapon or with any thing which used as a weapon of offence is likely to cause death.	Ditto	Ditto	Ditto	3 years' im. or fine or both.	Court of Session or Magistrate of District.	*Ibid, sec.* 148.
5586	A person malignantly or wantonly giving provocation by doing an illegal thing to any person intending or knowing it to be likely that such provocation will cause rioting to be committed and if the offence of rioting be committed in consequence of such provocation	Ditto	Ditto	Ditto	1 year's im. or fine or both.	Any Magistrate.	*Ibid, sec.* 153.
5587	Ditto Ditto if rioting be not committed.	Ditto	Summons	Ditto	6 months' im or fine or both.	Ditto	*Ibid.*

1	2	3	4	5	6	7	8
Paras of this Book	Offence	Whether the Police may arrest without warrant or not	Whether a warrant or a Summons shall ordinarily issue in the first instance	Whether bailable or not.	Punishment	By what Court triable	Authority
5588	Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest therein, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom such person shall be punishable with fine if he or his agent or manager having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same	Shall not arrest without warrant	Ditto	Ditto	Fine	Magistrate of District or Subordinate Magt 1st class	*Ibid, sec* 155.
5589	Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom the agent or manager of such person shall be punishable with fine, if such agent or manager having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same	Ditto	Ditto	Ditto	Fine	Ditto	*Ibid, sec* 156

5590 By the English law any person taking part in a riot, whether by word sign, or gesture, or by wearing the badge of the rioters, is himself a rioter for in this case all are principals —*Russel, Beaufort p* 745 —*See unlawful Assembly*

ROBBERY

Sarga bil jabar

ডকাইতী।

5591 *Definition* —In all robbery there is either theft or extortion

Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death, or hurt or wrongful restraint, or fear of instant death, or of instant hurt or of instant wrongful restraint.

Extortion is "robbery," if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.—*Act XLV.* 1860, *chap.* 17, *sec.* 390.

5592. The offender is said to be present, if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.—*Ibid, Explanation.*

5593. A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.—*Ibid, Il. a.*

5594. A meets Z on the high road, shows a pistol, and demands Z's purse Z in consequence surrenders his purse. Here, A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robberry.—*Ibid, Il.* b.

5595. A meets Z and Z's child, on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z in consequence delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.—*Ibid, Il. c.*

5596. A obtains property from Z by saying—"Your child is in the hands of my gang and will be put to death unless you send us ten thousands Rupees." This is extortion, and punishable as such; but it is not robbery, unless Z is put in fear of the instant death of his child.—*Ibid, Il. d.*

5597	Committing Robbery.	May arrest without warrant	Warrant.	Not Bailable.	Ten years' rigorous im and fine.	Court of Session.	*Act* XLV. 1860, *chap.* 17, *sec.* 392
5598	Highway robbery between sunset and sunrise.	Ditto	Ditto	Ditto	14 years' rigorous im and fine	Ditto	*Ibid.*
5599	Attempt to commit robbery.	Ditto	Ditto	Ditto	7 years' rigorous im. and fine,	Ditto	*Ibid, sec.* 393.
5600	If any person in committing or in attempting to commit robbery voluntarily causes hurt, he and any other person jointly concerned in so doing shall be liable to.	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and fine.	Ditto	*Ibid, sec.* 394.
	SALT LAWS.—BREACH OF						
5601	*Kilaf urzee qanoon nimak.*						
	নিমকের কানুনের বিপরীতাচরণ।						
	Preventing by force or threats a salt Officer or other Officer authorized to attach salt from effecting the seizure of any salt suspected to be contraband or adulterated or peventing by threats or violence the lawful arrest of any person by an Officer duly authorized to seize salt or procuring his release after arrest, or forcibly resisting such Officer in the execution of their duty.				200 Rs. fine.	Magistrate.	*Reg* X. 1819 *sec* 56 & *Act* XXIX 1838, *sec.* 19.

5602. In the event of an affray or breach of the peace occuring in consequence of such resistance the offending parties are further liable to be punished under the general rules applicable to such cases. (But both penalties cannot be awarded on one and the same indictment)—*Reg* X in 1819 *sec.* 56.

5603. The expression "further" in this rule does not mean that both penalties are to be awarded on one and the same indictment. A person might be tried for and convicted of the first offence, and fined by the magistrate; or the same party might be indicted and committed to the session for the second offence, and punished; but a accumulative sentence cannot be passed on an indictment for the latter offence only.—*Reports, L. P.* 1851, *part* 2, *page* 366.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
5604	If the Darogah or person in charge of any police station or Thana, receiving notice to attend at a seizure of salt in store from the salt Officer, does not attend or attending refuses to act in aid of the seizure or in any way wilfully frustrates the object of the search and seizure, he is on representation of the facts by salt Officers and on conviction before a Magistrate to be liable to.	Shall not arrest without warrant	Summons	Bailable	Fine equal to the amount of fine that would have been leviable on the owners of the salt if it had been seized according to the information laid and dismissal from Office.	Any Magistrate.	*Act XXIX.* 1838, *sec* 7.
5605	Officers of every description in the employment of salt agents or Superintending Officers of salt chowkees taking or receiving any fee, gratuity, perquisite, or allowance either in money or effects under any pretence whatever from any Molungee or other person employed or concerned in the manufacture of salt.	Ditto	Ditto	Ditto	Dismissal and refund of money or things so taken or received and 6 months' im and fine not exceeding 500 Rs. for every 100 Rs. in amt or value so taken or received.	Magistrate of District or Subordinate Magistrate of 1st class	*Reg X.* 1819, *sec.* 63.
5606	Officer entrusted with the payment of advance to Molungees appropriating under any pretence or color to his own use the whole or any part thereof or taking or requiring from any Molungee or other person employed or concerned in the manufacture of salt a receipt or other written acknowledgment for a larger sum than has been actually paid to him.	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid.*
5607	Officer in charge of a salt golah or any ware-house or other place where Government salt is stored, embezzling any of the salt received therein, or knowingly permitting any salt received to be carried therefrom without an order from the agent to whom he is subordinate, or in excess of the Salt specified in such order or knowingly granting a receipt for a larger quantity of salt than is received and stored by him.	Ditto	Ditto	Ditto	Same punishment as for theft.	Ditto	*Reg X.* 1819, *sec.* 64
5608	If there be no direct proof of the unauthorized removal of salt sufficient to convict the parties concerned, of theft under the above provision (5670) the Officer or Officers entrusted with the charge of the golah or place of store are liable for the offence of embezzling the salt of any store in their custody,	Ditto	Ditto	Ditto	Fine and imprisonment under the general powers of Magistrate.	Magistrate of District.	*Act XXIX* 1838 *sec* 28.

	the out turn of which exhibits according to the accounts kept of receipts and deliveries a deficiency which cannot be duly accounted for Officer in charge of any golah or salt store is guilty of embezzlement if he makes away with or does not produce the true account of such store Any person guilty of embezzlement under this section is liable to						

5609 In a case under this section the Magistrate committed a prisoner to the sessions and the Judge sentenced him to imprisonment for four years But the Sudder Court held that under the peculiar wording of the law, no punishment in excess of the general powers of the Magistrate is legal, and that the Magistrate should have disposed of the case himself On this account the proceedings were quashed, and the papers of the case were returned to the Magistrate for that purpose—*Rep L P* 1851 *p* 476

5610	Salt Officer convicted of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for salt or of having vexatiously and unnecessarily arrested any person or of having stopped and detained any boat unnecessarily and without authority or longer than is necessary for the purpose of search	Shall not arrest without warrant	Summons	Bailable	6 months' im and 200 Rs fine commutable to 6 months more and dismissal from Office	Magistrate of district or Subordinate Magistrate of 1st class	*Act* XXIX 1838 *sec* 22
5611	Any common or alimentary salt adulterated by an artificial admixture with the substance called *Khara Nun* or mixed with *phulkhora Nun puckwa* salt or any description of impure and bitter salt which is found in any golah or shop, or in any place whatsoever is to be confiscated and destroyed Any salt merchant or other person selling salt wholesale or retail who so adulterates it or knowingly sells any salt so adulterated is to pay	Ditto	Ditto	Ditto	Fine of 10 Rs per maund of 82 sicca weight to the seer upon the quantity found adulterated	Any Magistrate	*Reg* X 1819 *sec* 77
5612	Any person selling or knowingly being in possession of *panga* salt within the Provinces of Bengal, Behar and Orissa mixed with *lalumba salumba* or other salt not being salt sold on account of Govt, or imported by sea under the provisions of the Customs laws	Ditto	Ditto	Ditto	Fine of 5 Rs calculated as above and forfeiture of salt *	Ditto	*Reg* X 1819 *sec* 85, *and* 93
5613	Any person wilfully and maliciously giving false information in respect to there being illicit salt in Store in any house or ware house and so procuring its search to the injury or vexation of the owners thereof or of any other person	Ditto	Ditto	Ditto	2 years' im and 500 Rs fine commutable to 6 months more	Magistrate of district	*Act* XXIX 1828 *sec* 23
5614	Any person illicitly cultivating Clearing, or Ploughing any chur or other lands transferred to the Salt Dept without the permission of the Board of Revenue so long as the manufacture of salt is continued on the same or doing any act preparatory to its cultivation and clearance or causing another to do so	Ditto	Ditto	Ditto	500 Rs fine	Any Magistrate.	*Reg* I 1824, *sec* 12

* The confiscated salt is not to be destroyed, but is to be disposed of in such place without the limits of the Provinces of Bengal Behar and Orissa and in such manner as is directed by Government.

Paras. of this Book.	2 Offence.	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a Summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment	7 By what Court triable	8 Authority.
5615	Any person engaging in the manufacture of alimentary salt without the express sanction of the Govt, or preparing or causing to be prepared works for the manufacture of such salt without such sanction and all zumeendars or other proprietors of land or their agents conniving at such illicit manufacture.	Shall not arrest without warrant.	Summons	Bailable.	500 Rs. fine commutable to 6 months im. All works relating to the manufacture to be destroyed and salt found therein to be confiscated.	Magistrate of district.	*Act* XIV. 1843, *sec* 4, *N. W. P.*
5616	A Police Officer summoned by a Custom or Revenue Officer to attend a search for contraband salt failing to attend himself or to depute a subordinate Police Officer not being below the grade of a jemadar to attend, and any Police Officer after attending, refusing to aid in the search for or seizure of contraband salt or in any way wilfully frustrating the object of the search or seizure	Ditto	Ditto	Ditto	Dismissal from Office and fine equal to the amount of fine that would have been leviable on the owners or holders of the salt if it had been seized.	Ditto	*Act* XXXVI 1855 *sec* 6. *N. W.* P.
5617	Customs or land Revenue Officer searching or causing to be searched any dwelling-house, ware-house or other enclosed place without reasonable grounds of suspicion that contraband Salt is there manufactured or stored.	Ditto	Ditto	Ditto	500 Rs fine and in default of payment 6 months' im.*	Ditto	*Ibid, sec* 7, *N W.* P.
5618	Wilfully and maliciously giving false information and so causing a search to be made in any dwelling house, ware-house or other enclosed place, to the injury or vexation of the owners, occupants or any other person	Ditto	Ditto	Ditto	Ditto and two years im	Ditto	*Ibid.*
5619	If any person shall manufacture or refine saltpetre or separate or purify any salt educed in the process of manufacturing or refining the same, without a license under Act 31 of 1861, or being licensed only to manufacture saltpetre shall separate any salt in the manufacture thereof, or being licensed to manufacture and refine saltpetre, shall except as provided in the next section (3893) allow any salt separated in the manufacture or refinement of saltpetre to be removed from the place of manufacture or refinery without the full amount of Government duty thereon being first paid he shall be liable to.—*Vide* 3829-3887	Ditto	Summons	Ditto	500 Rs. fine commutable to 6 months' im.	Ditto	*Act* XXXI. 1861 *sec* 6

*Fine or any portion of it may be paid to the party aggrieved.

	SLAVE *Gholam* দাস।						
5620	Importing, exporting removing, buying selling, or disposing of any person as a slave or accepting, receiving or detaining against his will any person as a slave	Not without warrant	Warrant	Bailable	7 years im and fine	Court of session	*Act* XXV 1860 *chap* 16 *sec* 370
5621	Habitually importing exporting removing, buying, selling, trafficing or dealing in slaves —*Vide* 3982 3989	May arrest without warrant.	Ditto	Not bailable	Transportation for life, or 10 years im and fine	Ditto	*Ibid sec* 371
	STAGE CRRIGE.—BREACH OF LAW RELATING TO *Khilaf urzee qanoon mootaliga garee Ksryaka* ডাকের গাড়ির কানুনের বিপরীতাচরণ।						
5622	Proprietor of any licensed stage carriage, letting it for hire without causing the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous parts of such carriage	May seize the carriage (3996)	Summons	Bailable	100 Rs fine	Any Magistrate	*Act* XVI 1861, *sec* 6
5623	Letting for hire any stage carriage without the same being licensed	Not without warrant	Ditto	Ditto	100 Rs fine On any subsequent conviction 500 Rs fine	Ditto	*Ibid, sec* 7
5624	Any proprietor or agent of a proprietor or any driver of a licensed stage carriage knowingly permitting it to be drawn by a less number of horses or knowingly permitting a larger number of passengers or a greater weight of luggage to be conveyed by such carriage than shall be provided by the license.	Ditto	Ditto	Ditto	Ditto Ditto	Ditto	*Ibid, sec* 8.
5625	In every case where such carriage shall be proved to have been drawn by a less number of horses or to have carried a larger number of passengers or a greater weight of luggage than shall be provided by the license the proprietor of such carriage shall be held to have knowingly permitted such offence, unless he shall prove that it was not committed with his connivance and that he had taken every reasonable precaution and had made reasonable provision to prevent the commission of the offence						*Ibid.*
5626	Cruelly beating, ill treating, over driving abusing, torturing or causing or procuring to be cruelly beaten, ill treated, over driven, abused or tortured any horse employed in drawing or harnessed to any stage carriage, or harnessing to or driving in any stage carriage any horse which from sickness age, wounds or other cause is unfit to be driven in such carriage	Ditto	Ditto	Ditto	100 Rs fine	Ditto	*Ibid, sec* 9

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
5627	Any driver of any stage carriage or any other person having the care thereof, neglecting through intoxication, or endangering by wanton or furious driving or by any other misconduct the safety of any passenger or other person, or injuring or endangering the property of the proprietor of such carriage or of any other person.—*Vide* 3990-4022.	Not without warrant.	Summons.	Bailable	100 Rs. fine.	Any Magistrate.	*Act* XVI. 1860, *sec.* 12.
	STAMP LAWS.—BREACH OF *Khilaf urzee qanoon Stamp.* ষ্টাম্প কানুনের বিপরীতাচরণ।						
5628	Drawing, or, except as provided in Section 24 of this Act (4050) accepting, endorsing, negotiating, paying, or receiving payment of any Bill of Exchange, Promissory Note, Draft, Cheque, or other similar Instrument or making, executing, signing or being a party to any Deed, Instrument, or other writing, engrossed on unstamped or insufficiently stamped paper or other material which should bear a stamp of the value set forth in Schedule A, annexed to this Act.	Shall not arrest without warrant	Summons	Bailable	If a higher penalty be not imposed by this Act fine 100 Rs or a sum equal to ten times the value of the stamp omitted to be used, if the sum so calculated exceed 100 Rupees.	Magistrate of District or Subordinate Magistrate of 1st class or Justice of the Peace.	*Act* X 1862 *sec* 8.
5629	Drawing within the British Territories in India, any bill of Exchange purporting to be drawn in a set of two or more, and not drawing at the same time on paper duly stamped as required by this Act the whole number of Bills of which such Bill purports the set to consist.	Ditto	Ditto	Ditto	Fine of 1000 Rupees	Ditto	*Act* X. *of* 1862, *sec.* 12.
5630	In order to avoid the payment of the duty prescribed by Schedule A annexed to this Act, making or drawing any Bill of Exchange bearing a date subsequent to the date on which such Bill is actually made or drawn, or, knowing that such Bill has been so post dated, taking or receiving such Bill, or accepting, paying, endorsing, transferring, or in any manner negotiating the same.	Ditto	Ditto	Ditto	Fine of 500 Rupees	Ditto	*Act* X *of* 1862, *sec.* 1.
5631	Within the British Territories in India, executing any Policy of Marine Insurance, purporting to be drawn in a set of two, and not at the same time executing on paper duly stamped as	Ditto	Ditto	Ditto	Fine of 1000 Rupees	Ditto	*Act* X *of* 1862. *sec* 25

	required by this Act, the two numbers of which such Policy purports the set to consist.						
5632	Stamp vendor knowingly writing a false name or date on the back of any stamp which he is required to endorse under Section 38 of this Act (4064.)	Ditto	Ditto	Ditto	500 Rupees fine or 3 months' im. or both.	Ditto	Act X. *of* 1862 *sec.* 39.
5633	Stamp vendor demanding or accepting for any stamp any consideration other than the value thereof in such currency as he is duly authorized to receive in payment for stamps.	Ditto	Ditto	Ditto	100 Rupees fine.	Ditto	Act X *of* 1862 *sec.* 41
5634	Stamp vendor demanding or accepting for any stamp any consideration exceeding the value of such stamp.	Ditto	Ditto	Ditto	6 months' im. or fine not exceeding ten times the value so demanded or accepted, or both.*	Ditto	*Act* X *of* 1862 *sec* 42.
5635	Any stamp vendor or other person who, after any period which may have been appointed by the Governor General of India in Council for the commencement of the use of new stamps, selling any old stamps.	Ditto	Ditto	Ditto	100 Rupees fine.	Ditto	*Act* X. *of* 1862 *sec.* 43.
5636	Stamp vendor who, upon the determination, revocation, or resignation of his license, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some officer duly authorized to receive the same, an account of the stamps entrusted to him for sale on the part of Government, together with any such stamps remaining, or which ought to be remaining for sale in his hands and any balance of cash which may be due from him to Government in respect of such stamps.	Ditto	Ditto	Ditto	500 Rupees fine. See 4067	Ditto	Act X. *of* 1862 *sec.* 45.
5637	Any person not being a licensed vender of stamps duly appointed, selling any stamp unless it has been in an authorized manner obtained for use and not for sale.	Ditto	Ditto	Ditto	100 Rupees fine. See Proviso (para. 4070.)	Ditto	*Act* X. *of* 1862, *sec* 48.
5638	If the full purchase or consideration money be not fully and truly expressed and set forth as directed in cl. 1 Sec. 51 of this Act (4075) the purchaser and seller shall each forfeit a sum not exceeding.	Ditto	Ditto	Ditto	500 Rs. and five times the amount of the excess of duty which would have been payable beyond the amount of duty actually paid for the same.	Ditto	*Act* X. *of* 1062, *sec.* 51, *cl.* 1.
5639	Knowingly and wilfully inserting or setting forth in any such Deed, Instrument, or writing any less amount than the full and true purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same.—*Vide* 4023-4081	Ditto	Ditto	Ditto	Ditto Ditto	Ditto	*Ibid*, *cl.* 2.

*It shall be in the discretion of the Court or Officer passing the sentence to direct the value of the excess to be refunded out of such fine to any person from whom such excessive consideration may have been accepted.—*Act* X. 1862, *sec.* 42.

1	2	3	4	5	6	7	8
Paras. of this Book.	Offence	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance	Whether bailable or not.	Punishment.	By what Court triable	Authority
	STATE.—Offences against the. *Jooriam khilâf urzee bá sircar.* রাজ্য বিরুদ্ধেঅপরাধ।						
5640	Waging war against the Queen, or attempting to wage such war, or abetting the waging of such war.	Not without warrant	Warrant	Not bailable	Death, or transportation for life and forfeiture of all property.	Court of session	*Act XLVI.* 1860, *chap.* 6, *sec.* 121
5641	A joins an insurrection against the Queen. A has committed the offence defined in this Section.						*Ibid, II. a.*
5642	A in India abets an insurrection against the Queen's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting the waging of war against the Queen.						*Ibid, II. b.*
5643	Collecting men, arms or ammunition or otherwise preparing to wage war with the intention of either waging, or being prepared to wage war against the Queen.	Ditto	Ditto	Ditto	Transportation for life or 10 years' im. and forfeiture of all property.	Ditto	*Ibid, sec.* 122.
5644	By any act, or by any illegal omission, concealing the existence of a design to wage war against the Queen, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate the waging of such war.	Ditto	Ditto	Ditto	10 years' im. and fine.	Ditto	*Ibid, sec.* 123.
5645	With the intention of inducing or compelling the Governor General of India, or the Governor of any Presidency, or a Lieutenant-Governor, or a Member of the Council of the Governor General of India, or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor General, Governor, Lieutenant-Governor, or Member of Council, assaulting or wrongfully restraining, or attempting wrongfully to restrain, or overawing by means of criminal force or the show of criminal force, or attempting so to overawe such Governor General, Governor, Lieutenant-Governor, or Member of Council.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec* 124.
5646	Waging war against the Government of any Asiatic power in alliance or at peace with the Queen or attempting to wage such war, or abetting the waging of such war.	Ditto	Ditto	Ditto	Transportation for life and fine or 7 years' im. and fine or only fine.	Ditto	*Ibid sec* 125

5647	Committing depredation, or making preparations to commit depredation, on the territories of any power in alliance or at peace with the Queen.	Ditto	Ditto	Ditto	7 years' im. and fine and forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.	Ditto	*Ibid, sec.* 126.
5648	Receiving any property, knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126 (5646 and 5647)	Ditto	Ditto	Ditto	7 years' im and fine and forfeiture of property so received.	Ditto	*Ibid sec* 127
5649	A public servant having the custody of any state prisoner or prisoner of war, voluntarily allowing such prisoner to escape from any place in which such prisoner is confined.	Ditto	Ditto	Ditto	Trasportation for life or 10 years' im. and fine.	Ditto	*Ibid, sec.* 128.
5650	Public servant having the custody of any state prisoner or prisoner of war, negligently suffering such prisoner to escape from any place of confinement in which such prisoner is confined.	Ditto	Ditto	Bailable	3 years' simple im. and fine.	Ditto	*Ibid, sec* 129.
5651	Knowingly aiding or assisting any state prisoner or prisoner of war in escaping from lawful custody, or rescuing or attempting to rescue any such prisoner, or harbouring or concealing any such prisoner who has escaped from lawful custody, or offering or attempting to offer any resistance to the recapture of such prisoner.	Ditto	Ditto	Not bailable	Transportation for life or 10 years' im. and fine	Ditto	*Ibid, sec.* 130.
5652	A state prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.						*Ibid, Expl*

5653. In English law high treason comprises, besides offences more immediately against the person of the Queen.—The levying war against the Queen by assembling with a number of persons (three or four is sufficient) armed and arrayed in a warlike manner with the intent to endeavour by force and arms to subvert the constitution and Government of the realm; to force the Queen to put away Her ministers, or any Councillor, or other Magistrate; to hold or defend any of the Queen's castles, &c, against the Queen or her forces, or to deliver them to rebels by treachery; to effect innovations of a public and general nature; or to obtain the repeal of a statute, or the redress of any public grievance, real or pretended:—The adhering to the Queen's enemies, by giving any assistance to such enemies, unless on a well grounded apprehension of immediate death in case of refusal; by joining such enemies in acts of hostility against the realm, or even against the Queen's allies, although no acts of hostility are committed; or by sending money, arms, intelligence, or the like, to the Queen's enemies although such money, intelligence, &c., be intercepted and never reach them:—and the conspiring to incite foreigners to invade the realm. In all these cases some overt act must be proved.—*Blackstone, Commyns, and Archbald.—Beaufort page* 722.

SUICIDE.

Khód Kushee.

আত্মঘাৎ।

5654	If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of inoxication commits suicide, whoever abets the commisson of such suicide shall be punished with.	May arrest without warrant.	warrant.	Not bailable.	Death or transportation for life or 10 years' im. and fine.	Court of session.	*Act XLV.* 1860, *chap.* 16, *sec.* 305.

1	2	3	4	5	6	7	8
Place of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
5655	If any person commits suicide, whoever abets the commission of such suicide shall be punished with	May arrest without warrant.	Warrant	Not bailable.	10 years' im. and fine	Ditto	*Ibid, sec* 306.
5656	Attempting to commit suicide and doing any act towards the commission of such offence	Ditto	Ditto	Bailable	1 year's simple im. and fine.	Magistrate of district.	*Act XLV* 1860 *chap* 16, *sec* 309
	TELEGRAPH.—BREACH OF LAW RELATING TO. *Khilaf urzee qanoon mootaliga tarbylee.* টেলিগ্রাপ আইন লঙ্ঘন।						
5657	Establishing a line of Electric Telegraph in British India without a license from the Governor General of India in Council or maintaining a line after a revocation of such license.	Shall not arrest without warrant	Summons	Bailable	1000 Rs and further fine not exceding 500 Rs. for every week such line is maintained.	Magistrate of district.	*Act. VIII.* 1860, *sec.* 3.
5658	Using a line of Electric Telegraph knowing or having reason to believe that it is an unlicensed one for the purpose of sending or receiving messages or performing any service incidental thereto	Ditto	Ditto	Ditto	50 Rs. fine.	Ditto	*Ibid, sec* 4
5659	Entering without permission into the signal room of a Govt., Telegraph Office or refusing to quit it on being requested to do so by an Officer or servant employed therein, or willfully obstructing or impeding any such Officer or servant in the performance of his duty.	Ditto	Ditto	Ditto	100 Rs. fine.	Ditto	*Ibid, sec* 9
5660	Wilfully causing or attempting to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Govt., by cutting or injuring the ware, or by injuring any portion of the line or posts or any instrument or apparatus or by any other means	Ditto	Warrant	Ditto	2 years' im. or fine or both.	Ditto	*Act VIII.* 1860 *sec* 10
5661	Any person being in the Employ of the Govt., in the Electric Telegraph Dept., wilfully secreting, making away with, altering, or omitting to transmit any message which he may have received for transmission or delivery; or wilfully or otherwise than by the official order of a Secretary to the Government of India, or Goverment of Madras, or Bombay or Lieutenant-Governor of Bengal, or of the North Western Provinces, or of the Punjaub, or Chief Commissioner of Oude, or such other Officers as the	Ditto	Ditto	Ditto	Ditto	Ditto	*Ibid, sec* 11.

	Governor General of India in Council shall authorize to give such order, divulging any message or the purport of any message or signal to any person not entitled to receive it, or to become acquainted with it.						
5662	Offering a bribe to any person in the employ of Government in the Electric Telegraph Dept. in order to induce him to act in a manner in consistent with his duty.	Ditto	Summons	Ditto	6 months' im. or fine or both.	Ditto	*Ibid. sec* 12.
5663	Any person in the employ of Govt., in the El. Telegraph Dept. being guilty of any act of drunkenness carelessness or other misconduct, whereby the Transmission or delivery of any message shall be endangered, or loitering or making delay in the transmission or delivery of any message.	Ditto	Ditto	Ditto	3 months' im or 100 Rs fine or both.	Ditto	*Ibid, sec.* 13.
5664	Any person employed as above transmitting by the Electric Telegraph any message upon which the prescribed charge has not been paid intending thereby to defraud the Government	Ditto	Warrant	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec.* 14.
5665	Any person transmitting or causing to be transmitted by an Electric Telegraph established by Government a message, which he knows to be false or fabricated.	Ditto	Ditto	Ditto	2 years' im. or fine or both.	Ditto	*Ibid, sec* 15.

THEFT.

Sarga.

চৌর্য্য ।

5666. *Definition.*—Whoever intending to take dishonestly any moveable property out of the possession of any person without that person's consent moves that property in order to such taking, is said to commit theft.—*Act XLV.* 1860, *chap* 17, *sec.* 378.

5667. A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft ; but it becomes capable of being the subject of theft as soon as it is severed from the earth.—*Ibid, Explanation.* 1.

5668. A moving, effected by the same act which effects the severance, may be a theft.—*Ibid, Expl* 2.

5669 A person is said to cause a thing to move by removing an obstacle which prevent it from moving, or by separating it from any other thing, as well as by actually moving it.—*Ibid, Expl.* 3.

5670. A person who by any means causes an animal to move, is said to move that animal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.—*Ibid, Expl.* 4.

5671 The consent mentioned in the definition may be express or implied, and may be given either by the person in possession or by any person having for that purpose authority either express or implied.—*Ibid, Expl.* 5.

5672. A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.—*Ibid, Illustration. a.*

5673. A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.—*Ibid, Illus. b.*

5674. A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.—*Ibid, Illus. c.*

5675. A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.—*Ibid, Illus. d.*

5676 Z, going on a journey, entrusts his plate to A, the keeper of a ware-house, till Z shall return. A carries the plate to a goldsmith and sells it. Here, the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust—*Ibid, Illus e.*

5677. A finds a ring belonging to Z on a table in the house which Z occupies. Here, the ring is in Z's possession, and if A dishonestly removes it, A commits theft.—*Ibid, Illus. f.*

5678. A finds a ring lying on the high road, not in the possession of any person. A by taking it commits no theft, though he may commit criminal misappropriation of property.—*Ibid, Illus. g*

5679. A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection. A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place, and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.—*Ibid, Illus. h.*

5680. A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop, A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly,—*Ibid, Illustration i.*

5681. If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the propety as a security for his debt, he commits theft, inasmuch as he takes it dishonestly,—*Ibid, Illus. j.*

5682. Again if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.—*Ibid, Illus. k.*

5683. A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here, A takes dishonestly; A has therefore committed theft.—*Ibid, Illus. l.*

5684. A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.—*Ibid, Illus. m.*

5685. A asks charity from Z's wife. She gives money, food, and clothes, which A knows to belong to Z her husband. Hear, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression. A has not committed theft.—*Ibid, Illus. n.*

5686. A is the paramour of Z's wife. She gives a valuable property which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly he commits theft.—*Ibid, Illus. o.*

5687. A, in good fath, believing property belonging to Z to be A's own property, takes that property of B's possession. Here, as A does not take dishonestly, he does not commit theft.—*Ibid, Illus. p.*

5688. A person being charged with stealing a *brahmini* bull, which had been dedicated to religion and allowed to wander about without restraint, it was held that the fact of there being no owner-ship in any individual did not affect the criminality of the act, which must depend altogether on the animus by which the accused was actuated.—*Const. No.* 803.

5689. The Court admitted the distinction acknowledged by English law between theft and fraud when the goods have been obtained by false pretences, which depends upon the question whether the owner intended to pass the right of property or merely the possession. "The taking and carrying away are felonious, where the goods are taken against the will of the owner, either in his absence or in a clandestine manner, or where possession is obtained by force or surprise, or by any trick, device, or fraudulent expedient the owner not voluntarily parting with his entire interest in the goods, and where the taker intend, in any such case, fraudulently to deprive the owner of his entire interest in the property against entive his will."—*Reports W.* P. 1856, *part* 1, *page* 645.

1	2	3	4	5	6	7	8
Paras of this Book.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment.	By what Court triable.	Authority.
5690	Committing theft.	May arrest without warrant	Warrant.	Not bailable.	3 years' im. or fine or both.	Court of Session or any Magistrate.	*Act XLV* 1860, *chap* 17, *sec.* 379, *& Act XXXIII.* 1861, *sec* 1.
5691	Committing theft in a building tent or vessel which is used as a human dwelling or for the custody of property.	Ditto	Ditto	Ditto	7 years' im. and fine.	Court of Session or Magistrate of the District.	*Ibid, sec.* 380.
5692	A person being a clerk or servant or being employed in the capacity of a clerk or servant committing theft in respect of any property in the possession of his master or employer.	Ditto	Ditto	Ditto	7 years' im. and fine.	Ditto	*Ibid, sec.* 81.
5693	Committing theft having made preparation for causing death, or hurt, or restraint or fear of death, hurt, or restraint to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft.	Ditto	Ditto	Ditto	10 years' rigorous im. and fine	Court of Session.	*Ibid, sec.* 382.
5694	A commits theft on property in Z's possession; and while committing the theft he has a loaded pistol under his garment having provided this pistol for the purpose of hurting Z, in case Z should resist. A has committed the offence defined in this Section. (5693.)						*Ibid, Illus. a.*
5695	A picks Z's pocket, having posted several of his companions near him in order that they may restrain Z, if Z should perceive what is passing, and should resist, or shall attempt to apprehend A. A has committed the offence defined in this Section.						*Ibid, Illus. b.*
5696	Belonging to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery and not being a gang of Thugs or Dacoits.	Ditto	Ditto	Ditto	7 years' rigorous im and fine.	Ditto	*Ibid, sec.* 401.

NOTE.

5697. In English law larceny has been defined to be "the wrongful or fraudulent taking and carrying away, by one person, of the mere personal goods of another from any place, with a felonious intent to convert them to his (the taker's) own use, and make them his own property, without the consent of the owner." The taking and carrying away must be felonious, that is, done *animofurandi*; or, as the Civil law expresses it, *lucricausâ*: but it is not necessary that the offender should contemplate any thing in the nature of a pecuniary advantage. The rule with regard to the *lucricausâ* is stated by the criminal law commissioners in the following terms: "the ulterior motive by which the taker is influenced in depriving the owner of his property altogether, whether it be to benefit himself or another, or to injure any one by the taking, is immaterial." The commissioners also give the following definition of a felonious taking: the taking and carrying away are felonious, where the goods are taken against the will of the owner, either in his absence, or in a clandestine manner, or where possession is obtained either by force or surprise, or by any trick, device, or fraudulent expedient, the owner not voluntarily parting with his entire interest in the goods, and where the taker intends in any such case fraudulently to deprive the owner of his entire interest in the property against his will.—Where goods are once taken with a felonious intent, the offence cannot be purged by a restoration of them to the owner. Thus, the prisoner having robbed the prosecutor of a purse, returned it to him, saying, if you value the purse take it, and give me the contents, but before the prosecutor could do this the prisoner was apprehended, the offence was held to be complete by the first taking.

Proof of the taking—what manual taking is required.— In order to constitute the offence of larceny, there must be an actual taking, or severance of the thing, from the possession of the owner; for as every larceny includes a trespass, if the party be not guilty of a trespass in taking the goods, he cannot be guilty of a felony in carrying them away. Still though there must be a taking, in fact, from the actual or constructive possession of the owner, yet it need not be by the very hand of the party accused. For if he fraudulently procure another, who is himself innocent of any felonious intent, to take the goods for him, it will be the same as if he had taken them himself; as if one procure an infant, within the age of discretion, to steal the goods for him, or if, by fraud or perjury, he get possession of the goods by legal process without title.—The least removing of the thing taken from the place where it was before, though it is not quite carried off, is a sufficient taking and carrying away to constitute larceny; and upon this ground a guest, who had taken the sheets from his bed with an intent to steal them, and carried them into the hall where he was apprehended, was adjudged guilty of larceny.—So where a person takes a horse in a close, with intent to steal him, and is apprehended before he can get him out of the close.—The prisoner got into a waggon, and taking a parcel of goods which lay in the forepart, had removed it to near the tail of the waggon, when he was apprehended. the twelve judges were unanimously of opinion that, as the prisoner had removed the property from the spot where it was originally placed, with an intent to steal, it was a sufficient taking and carrying away to constitute the offence.—But where the prisoner had set up a parcel containing linen, which was lying lengthways in a waggon, on one end, for the greater convenience of taking the linen out, and cut the wrapper all the way down for that purpose, but was apprehended before he had taken any thing, all the judges agreed that this was no larceny, although the intention to steal was manifest. For a carrying away, in order to constitute felony, must be a removal of the goods from the place where they were, and the felon must, for the instant at least, have the entire and absolute possession of them. The following case, though nearly resembling the last is distinguished by the circumstance that every part of the property was removed. The prisoner sitting on a coach box took hold of the upper part of a bag which was in the front boot, and lifted it up from the bottom of the boot on which it rested: he handed the upper part of the bag to a person who stood beside the wheel, and both holding it endeavoured to pull it out, but were prevented by the guard: the prisoner being found guilty, the judges, on a case reserved, were of opinion that the conviction was right, thinking that there was a complete *asportavit* of the bag.—The prisoner was indicted for robbing the prosecutrix of a diamond ear-ring: it appeared that as she was coming out of the opera-house, the prisoner snatched at her ear-ring, and tore it from her ear, which bled, and she was much hurt: the ear-ring fell into her hair, where it was found on her return home: on a case reserved, the judges were of opinion that this was a sufficient taking to constitute robbery; it being on the possession of the prisoner for a moment, separated from the owner's person, was sufficient, though he could not retain it,

but probably lost it again the same instant that it was taken.—There must, however, be a possession by the party charged however temporary. The prisoner stopped the prosecutor as he was carrying a feather bed on his shoulders, and told him to lay it down, or he would shoot him: the prosecutor laid the bed down, but before the prisoner could take it up he was apprehended: the judges were of opinion that the offence was not completed.—There must be a severance of the goods from the possession of the owner. The prisoner took a purse out of the pocket of the owner, but the purse being tied to a bunch of keys and the keys remaining in his pocket, and the party being apprehended while they remained in his pocket, it was held no larceny, on the ground that the owner still remained in possession of his purse, and that there was no *asportavit*. So where goods in a shop were tied to a string, which was fastened to one end of the bottom of the counter, and the prisoner took up the goods and carried them towards the door as far as the string would permit, and was then stopped. Eyre B. ruled that there was no severance, and consequently no felony.

Proof of the felonious intent in the taking—goods obtained by false process of law.—Where the possession of goods is obtained from the owner by means of the fraudulent abuse of legal process, the offence will amount to larceny. Thus it is laid down by Lord Hale, that if A has a design to steal the horse of B and enters a plaint of replevin in the Sheriff's Court for the horse, and gets him delivered to him and rides him away, this is taking and stealing, because done in *fraudemlegis*.

Proof of the felonious intent in the taking—mistake.—The proof that the goods were taken with a felonious intent may be rebutted, by showing that the party charged with the larceny took them by mistake. Thus if the sheep of A stray from his flock into that of B, and the latter by mistake drives them with his own flock, or shears them, that is not felony; but if he knows the sheep to be another's and marks them with his own mark, that would be evidence of a felony. So if he appear desirous of concealing the property, or of preventing the inspection of it by the owner, or by any other who might make the discovery, or, if being asked, he deny the having them, although the knowledge be proved; these likewise are circumstances tending to show the felonious intent.

Proof of the felonious intent in the taking—goods taken by trespass.—Although the party may wrongfully take the goods, yet, unless he intended to assume the property in them, and to convert them to his own use, it will amount to a trespass only, and not to a felony. Thus if A leaves his harrow in the field, and B having land in the same field uses the harrow, and having done so returns it to its place, or informs the owner, this is only a trespass. In the same manner if A takes away the goods of B, openly before him or other persons, this carries with it evidence only of a trespass. So of a servant riding his master's horse upon his own business. The two prisoners were charged with stealing two horses: it appeared that they went in the night to an inn kept by the prosecutor, and took a horse and mare from his stable, and rode about thirty-three miles to a place, where they left them in the care of the ostler, stating that they should return: they were apprehended the same day, about fourteen miles from the place: the jury founded the prisoners guilty, but added that they were of opinion they merely meant to ride the horses to this place, and to leave them there; but that they had no intention either of returning them, or making any further use of them: the judges, upon this finding, held it to be a trespass only and no larceny: they said there was no intent in the prisoners to change the property, or to make it their own, but only to use it for a special purpose, that is, to save their labour in travelling: the judges agreed that it was a question for the jury, and that if they had found the prisoners guilty generally upon this evidence the verdict could not have been questioned. So where, upon an indictment for stealing a horse, two saddles, &c., it appeared that the prisoner got in to the prosecutor's stables and took away the horse and the other articles altogether; but that when he had got to some distance he turned the horse loose, and proceeded on foot, and attempted to sell the saddles; Garrow B left it to the jury to say, whether the prisoner had any intention of stealing the horse; for that if he intended to steal the other articles, and only used the horse as a mode of carrying off the other plunder more conveniently, and, as it were, borrowed the horse for the purose, he would not in point of law be guilty of larceny. The prosecutor met the prisoner, whom he knew to be a poacher, and seized him; the prisoner getting free, wrested a gun from the hands of the prosecutor, and ran away with it; it was proved that the next day the prisoner said he would sell the gun, and it was never found; Vaughan B told the jury, upon the trial of the prisoner for stealing the gun, that he might imagine that the prosecutor would use the gun so as to endanger his life, and if so, his taking it, under that impression would not be felony; but if he took it intending at the time to dispose of it, it would be felony.

Proof of the felonious intent in the taking—goods taken under a fair claim of right.—If there be any fair claim of property or right in the prisoner, or if it be brought in to doubt at all, the court will direct an acquittal. Thus where the owner of land takes a horse *damage feasant*, or a lord seizes it as an estray, though perhaps without title, yet these circumstances explain the intent, and show that it was not felonious; but these facts may be rebutted, as by showing that the horse was marked in order to disguise him. After a seizure of uncustomed goods, several persons broke, at night, into the house where they were deposited, with intent to retake them for the benefit of the former owner; and it was held that this design rebutted the presumption of a felonious intent.

Proof of the felonious intent in the taking—goods procured by finding.—The law respecting the converting of goods found, to the finder's own use, depends upon the question of felonious intention. "If," says Lord Hale, "A finds the purse of B in the highway, and takes and carries it away, and the case has all the circumstances that prove it to be done *animo furandi*, as denying or secreting it, yet it is not felony." But, he adds, where a man's goods are in such a place, where ordinarily they are or may be lawfully placed, and a person takes them *animo furandi*, it is felony, and the pretence of finding must not excuse. The distinction, therefore appears to be that where the goods are found in such a situation that the owner may be presumed to have abandoned the property in them, the converting of them will not be a larceny; but if, from circumstances, the finder must infer that there has been no such abandonment, it will be felony to convert them without making due inquiry as to the owner. Thus it is said by Lord Hale, that if a man hides a purse of money in his corn-mow, and his servant, finding it, takes part of it.—If, by circumstances, it appear that he knew his master laid it there, it is felony; but, then the circumstances must be pregnant, otherwise it may be reasonably interpreted to be a bare finding, being an unusual place for such a depositum. In the following cases, although, instrictness, the goods were acquired by finding, yet the converting of them was held to be larceny. A gentle man left a trunk in a hackney coach, and the coach man taking it converted it to his own use, this was held to be larceny; for the coachman must have known where he took the gentleman up, and where he set him down, and ought to have restored his trunk to him. In a similar case, where a box had been left in a coach, and was found at the house of a Jew, where the coach man had uncorded it, and taken out several articles, some of which were missing; the coachman being indicted for larceny, the judge directed the jury that, if they thought that the prisoner had detained the box merely in the hope that a reward would be offered for it, and that he meant then to return it to the owner, they ought to acquit him; but if they thought that he had uncorded the box not merely from curiosity, but with an intention to embezzle any part of its contents, and that he had actually taken any of the goods mentioned in the indictment, it would be matter of legal consideration, whether a person so guilty should not be reached as a felon: the jury having found the prisoner guilty, upon a case reserved, the verdict was approved of by the judges. The prosecutor, having had his hat knocked off in a quarrel with a third person, the prisoner picked it up, and carried it home: being indicted for larceny, Park J. said, "If a person picks up a thing and knows that he can immediately find the owner, but, instead of restoring it to the owner, converts it to his own use, this is felony." A pocket book, containing bank notes was found by the prisoner in the highway, and converted by him to his own use; upon which Lawrence J. observed, that if the party finding property in such manner knows the owner of it, or if there be any mark upon it, by which the owner can be ascertained, and the party, instead of restoring it, converts it to his own use, such converting will constitute a felonious taking. And in a similar case, Gibbs C. J. stated to the jury that it was the duty of every man, who found the property of another, to use all deligence to find the owner, and not to conceal the property (which was actually stealing it), and appropriate it to his own use. Where the prisoner having received a bureau for the purpose of repairing it appropriated 900 guineas, which he found in a secret part of it, it was considered felony. Evidence to show that the finder endeavoured to discover the true owner, and kept the goods till it might be reasonably supposed that he could not be found; or that he made known his acquisition so that he might make himself responsible for the value, in case he should be called upon by the owner, are circumstances to rebut the presumption of a felonious taking and conversion. The criminal law commissioners say: "the intention of a person taking property by finding will be felonious or not, according as his conduct, in omitting to use due diligence to discover the owner, or in concealing the property, or in other circumstances, shows that, in the taking, he had or had not a design to deprive the owner altogether of his property." Where a servant,

indicted for stealing bank notes, the property of her master, in his dwelling house, set up in her defence that she found them in the passage, and not knowing to whom they belonged, kept them to see if they were advertised, Park J. held that she ought to have inquired of her master, whether they were his or not, and that not having done so, but having taken them away from the house, she was guilty of larceny.

Proof of the felonious intent in the taking—goods taken by wife—or by wife and a stranger.—If a wife take goods of which the husband is the joint or sole owner, the taking is not larceny, because they are in law but one person, and the wife has a kind of interest in the goods. Therefore, where the wife of a member of a friendly society, stole money beloning to the society, lodged in a box in her husband's custody under lock of the stewards of the society, it was held by the judges not to be larceny. Whether, where a stranger and the wife jointly steal the husband's property, it is larceny in the stranger, has been the subject of contradictory decisions. Where it appered that the prosecutor's wife had assisted in carrying off the goods, and had continued to co-habit with the prisoner: on objection, the court ruled, that no person could be convicted of a felony in stealing goods when they came in to his possession by the delivery of the prosecutor's wife. But in a subsequent case, referred to the opinion of the judges. It was held that where the wife and a stranger steal the goods of the husband, the stranger is guilty of larceny.

Proof of the taking—with reference to the possession of the goods—It has been already stated, that in order to constitute larceny, there must be such a taking of the goods, as would, without the felonious intent, amount to a trespass. Therefore, if the party obtain possession of the goods lawfully, as upon a trust, for or on account of the owner, by which he acquires a kind of special property in them, he cannot afterwards be guilty of felony in converting them to his own use, unless by some new and distinct act of taking, as by severing part of the goods from the rest with intent to convert them to his own use, he thereby determine the privity of the bailment and the special property conferred upon him, in which case he is as much guilty of a trespass against the virtual possession of the owner, by such second taking, as if the act had been done by a mere stranger.

Proof of the taking—with reference to the possession—original taking not felonious.—In cases, therefore, where the original taking of the goods is not *animo furandi*, a subsequent conversion of them to the party's own use will not constitute larceny. Upon an indictment for stealing, it appeared that the prosecutor's shop (containing the articles mentioned in the indictment) being on fire, his neighbours assisted him in removing his goods for their security; the prisoner probably had removed all the articles which she was charged with stealing, when the prosecutor's other neighbours were thus employed; she removed some of the articles in the presence of the prosecutor, and under his observation, though not by his desire; upon the prosecutor applying to her next morning, she denied that she had any of the things belonging to him, but they were found concealed in her house; the jury found her guilty, but said, that in their opinion when she first took the goods from the shop, she had no evil intention, but that such evil intention came upon her afterwards, and upon reference to the judges they all held the conviction wrong, for if the original taking were not with intent to steal, the subsequent conversion was no felony, but a breach of trust—So, when a letter containing a bill of exchange was by mistake delivered to another person of the same name as the person to whom it was addressed, and the person to whom it was so delivered converted the bill of exchange to his own use, being convicted of larceny for this act, a case, was reserved for the opinion of Judges, who held the conviction wrong, on the ground that it did not appear that the prisoner had any *animus furandi*, when he first received the letter; and a pardon was recommended.

Proof of the taking—with reference to the possession—original taking not felonious—bailees.—The cases which most usually occur, illustrative of this doctrine are those where goods have been delivered into the hands of a bailee for a special purpose, who thereby acquires a right to the possession, and who, if he converts them, while in his possession as bailee, to his own use, even *animo furandi*, as he is not guilty of a trespass, is not guilty of larceny by that act. Thus, if goods are delivered to a carrier to be conveyed, and he steals them on the journey, it is no felony. So where a man delivered his watch to the prisoner to be repaired, who, instead of repairing it, sold it, this was ruled by Vaughan B to be no felony. So, where the prosecutor had delivered a horse to the prisoner to be agisted at 1 sh 6 d per week, and the latter after keeping the animal for one week for which he received payment, sold it in the course of the second week; the prisoner having been convicted of larceny, the judges held the conviction wrong. Upon the principle that it is not felony in a bailee to convert to his own use the goods bailed to him, a nice distinction has been grafted, which

seems, says Mr. East, to stand more upon positive law, which cannot now be questioned, than upon sound reasoning. The distinction is thus stated by Lord Hale: if a man delivers goods to a carrier to carry to Dover, and he carries them away, it is no felony; but if the carrier have a bale or trunk with goods in it delivered to him, and he breaks the bale or trunk, and carries away the goods *animo furandi*, or if he carries the whole pack to the place appointed, and then carries it away *animo furandi*, it is a felonious taking; but that must be intented where he carries them to the place, and delivers or lays them down, for then his possession by the first delivery is determined and the taking afterwards is a new taking. This distinction has been recognized and acted upon in numerous cases, not only of carriers and other bailees, where the bailment has been determined by breaking bulk &c., but likewise in the case of other persons, having a special property, where the contract conferring the special property has been terminated by the tortious act of the party. A farmer sent forty bags of wheat to the prisoner, who was a warehouse-man, for safe custody; the prisoner took eight of the bags, and shooting the wheat out on the floor, mixed it with four bags of inferior wheat, and sold the whole twelve for his own benefit; he replaced the wheat thus taken from the prosecutor with inferior wheat of his own; it did not appear that there was any severing of part of the wheat in any one bag, from the residue of the wheat in the same bag; the prisoner being convicted of larceny, the Judges were unanimously of opinion that the conviction was right, that the taking of the whole of the wheat out of any one bag, was no less a larceny than if the prisoner had severed a part from the residue of the wheat in the same bag, and had taken only that part, leaving the remainder of the wheat in the same bag. In order, therefore, to establish a larceny of goods which have been bailed, some act determining the bailment must be proved. Where A asked the prisoner, who was not her servant, but only a casual acquaintance, to put a letter in the post, telling her it contained money, and the prisoner broke the seal and abstracted the money before she put it in the post; the Judges held that she was guilty of larceny. Although a contrary opinion appears to have been formerly entertained, yet it is now settled, that when the owner parts with the possession of goods for a special purpose, and the bailee, when that purpose is executed, neglects to return, and afterwards disposes of them, if such bailee had not a felonious intention when he originally took the goods, the subsequent withholding and disposing of them will not constitute a new felonious taking, nor make him guilty of felony.

Proof of the taking—with reference to the possession of the goods—cases of servants.—Where a person has the bare charge or custody of goods, the legal possesion of such goods remains in the owner, and larceny may be committed by the person having such a bare possession or custody. He that has the care of another's goods, says Lord Hale, has not the possession of them, and therefore may, by his felonious embezzling of them, be guilty of felony as the butler who has the charge of his master's plate, the shepherd who has the charge of his master's sheep; and so it is of an apprentice that feloniously embezzles his master's goods. So where a carter goes away with his master's cart. The prisoner was a drover and had been employed by the prosecutor as such, off and on, for nearly five years; being employed by him to drive a number of sheep to a fair, he sold several of them, and applied the money to his own purposes; being indicted for larceny he was found guilty; but the jury also found that he did not intend to steal the sheep at the time he took them into his possession; on a case reserved, all the Judges who met were of opinion that as the owner parted with the custody only, and not with the possession, the prisoner's possession was the owner's, and that the conviction was right. So, where the prosecutor delivered to his servant a sum of money to carry to a person, who was to give him a bill for it, and the servant appropriated it to his own use, the Judges were of opinion that this was not a mere breach of trust, but a felony. And where the servant of the prosecutor went to her master's wife, and told her she was acquainted with a person who could give her ten guineas' worth of silver, and the prosecutor's wife gave her ten guineas for that purpose, which she ran away with, she was found guilty of the larceny. In order to render the offence larceny, where the property is taken by a servant, it must appear that the goods were at the time in the possession of the master. It is not, however, necessary that they should be in his actual possession; it is sufficient if he has a constructive possession, or possession in law. Therefore, where a man purchases goods, and sends his servants to receive them, and the servents carry them away, it is larceny, for the property carries with it the possession in law. On the other hand, unless the possession of the goods, actual or constructive, be in the prosecutor, no larceny can be committed upon them with regard to him

This distinction is very material, as drawing the line between larceny and embezzlement. If the goods are not in the actual or constructive possession of the master at the time they are taken, the offence of the servant in taking them will be embezzlement, and not larceny. Therefore, where goods in the possession of a third person, and not yet delivered over to the master, are delivered to the servant, who appropriates them to his own use, this is not a larceny, for the time of the larceny must be referred to the period of the receipt of the goods, by the servant, at which time there was no possession in the master, without which there could be no trespass, and no larceny. If, says Mr. East, the master had not otherwise the possession of the goods than by the bare receipt of his servant, upon the delivery of another for the master's use, and the servant have done no act to determine his original, lawful, and exclusive possession, as by depositing the goods in his master's house, or the like—although to many purposes, and as against third persons, this is in law a receipt of the goods by the master, yet it has been ruled otherwise in respect of the servant himself, upon a charge of larceny at common law, in converting the goods to his own use; because as to him, there was no tortious taking in the first instance, and consequently no trespass, as there is where a servant converts to his own use property in the virtual possession of his master.

Proof of the taking—distinction between larceny and obtaining goods, &c. by false pretences.—As the character of the transaction depends upon the intention of the parties, that intention must determine the nature of the offence. It is not however sufficient to show simply a felonious intent, an *animus furandi* on the part of the offender; the mere intent to commit felony, or rather fraudulently to appropriate the matter in question to the party's own use, is not sufficient to render the taking felonious, where the owner, although induced by the false representations of the offender, intends to part with his property in the matter delivered. The law of Scotland is the same as our own on this point; and the principal of the distinction between larceny and false pretences is well expressed in the following passage from a writer on the criminal law of that country; Where possession is obtained by such false representations as induce the owner to sell or part with the property, the crime is swindling. But a variety of cases frequently occur, in which the possession is obtained, not on any contract, or agreement adequate to pass the property, but on some inferior title, adequate to give the prisoner the right of interim custody. The distinction between such cases, and those in which the property is obtained on a false pretence, lies, here, that in the one case, the proprietor has agreed to transfer the property, and therefore he has only been imposed upon in the transaction; in the other, he has never agreed to part with his property, and therefore the subsequent appropriation is theft."—There is a numerous class of cases in which goods have been obtained from the owner with a fraudulent intent, but where the owner only intended to part with the possession, and not with the property in them. In these cases it has been held, that if the prisoner had the *animus furandi* at the time of the taking, and has converted the goods to his own use, the offence amounts to larceny. It has been generally in cases of this kind, that the distinction between larceny and obtaining goods under false pretences has been lost sight of. The false pretences are only the mode employed by the offender to procure the possession of the property, and render the case no less a larceny than if he had taken the property without the knowledge of the owner, or by force. The real distinction is, whether the owner intended to pass the right of property; if he did not, it is the subject of an indictment for larceny—if he did, of an indictment for obtaining money by false pretences.—But if there be only a negotiation for a purchase, and such purchase be not complete, the taking will amount to larceny, if there be a felonious intent on the part of the prisoner; as in the following case, which well illustrates the distinction between the offence of larceny, and of obtaining goods under the false pretence of purchasing them. The prisoner was indicted for stealing two silver cream-ewers from the prosecutor, a silver-smith; he was formerly servant to a gentleman who dealt with the prosecutor, and, sometime after he had left him, he called at the prosecutor's shop, and said that his master (meaning the gentleman whose service he had left) wanted some silver cream-ewers, and desired the prosecutor to give [illegible] ce, and to put it down to his master's account; the prosecutor gave him two ewers, in order that his master might select the one h[illegible] best; the prisoner took both, sold them, and absconded; at the trial, the prosecutor swore that he did not charge the master (his cust[illegible] with the cream-ewers nor did he intend to charge him with either, until he had first ascertained which of them he had selected; it was [illegible] for the prisoner, that this mounted merely to obtaining goods under false pretences; but Bayley J. held, that as the prosecut[illegible] ded to part with the possession only and not with the right of property, the offence was larceny, but that if he had sent only one cream [illegible], and had charged the customer with it, the offence would have been otherwise.

Proof of the things stolen.—The goods taken must appear in evidence to be personal [illegible]; for none other can be the subject of larceny at common law. At common law larceny could not be committed of things that savoured of or a[illegible] to the freehold, as trees, grass, bushes, bridges, stones, the lead of a house, or the like: the stealing such things was only trespass: but if these thi[illegible] severed from the freehold, as wood cut, stones dug out of a quarry, &c., then felony might be committed by stealing them, for then they are pe[illegible] goods; and so strict was the rule in this respect, that a larceny could not be committed even of title deeds, or any other charter or writing concerning [illegible]lty, or even of the box in which they were kept. This state of the law has been remedied by various statutes, which make it felony to steal the [illegible] certain metals or stones, from mines; to steal or destroy or damage with intent to steal any trees, saplings, shrubs, or under wood; to steal, or destro[illegible] intent to steal, any fence, railing or gate; or any cultivated root or plant; and to steal, or rip, cut, or break with intent to steal, any glass or wood[illegible] any thing made of metal, or utensil, or fixture, fixed to any building, or any thing made of metal fixed in any land, being private property, or [illegible]ence to any dwelling house, &c., or in any place dedicated to public use or ornament: and so it is now a misdemeanor to steal any record, &c., or any original document belonging to a court of record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated, in any court of record or equity; or to steal, or fraudulently destroy, or conceal, any testamentary instrument relating to any real or personal estate; or to steal any paper or parchment being evidence of the title to any real estate. Bonds, bills, &c., being mere choses in action, are not the subject of larceny at common law, for they are of no intrinsic value; but now by different statutes it has been constituted felony to steal any valuable security, as for money or the payment of money or entitling or evidencing the title of any person or body corporate to any share or interest in any public stock, or in any fund, or savings bank, &c.; and it is felony if any person employed under the post-office steals, or for any purpose whatever embezzles, secretes, or destroyes a post letter: so, to steal any chattel, money, or valuable security out of a post letter, is felony: and if any person in the public service, intrusted by virtue of his office with the receipt, custody, management, or control of any valuable security, embezzles, or fraudulently misapplies the same, or any part thereof, it is felony. Larceny at common law cannot be committed of things which are not the subject of property, as of a dead corpse; but it is a high misdemeanor to disinter a dead body for the purpose of dissection, or to sell and dispose of it for gain and profit. So, of things in which no person has any determinate property, as treasure trove, waifs, &c., till seized, it has been said that larceny cannot be committed; but it would seem that the true owner, though unknown, has still a property in them, before seizure by the Lord, unless there be circumstances to show an intended dereliction of the property: the same has been said of wreck; but now by statute it is felony, to plunder or steal any part, of a ship or vessel in distress, wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind, belonging to such ship or vessel; but if articles of small value, stranded or cast on shore, be stolen without circumstances of cruelty, outrage, or violence, the offender may be punished for simple larceny. Again, no larceny at common law can be committed of such animals in which there is no property either absolute or qualified; as of beasts that are *feræ naturæ*, and unreclaimed; such as deer and hares, in a forest; fish in an open river or pond; or wild fowls, at their natural liberty. But if they are reclaimed or confined, and may serve for food, it is otherwise: so all valuable domestic animals, as horses, and all animals *domitæ naturæ* which serve for food, as swine, sheep, poultry, and the like, and the product of any of them, as eggs, milk from the cow while at pasture, wool pulled from the sheep's back feloniously; and the flesh of such as are *feræ naturæ*; may be the subject of larceny, but as to other animals which do not serve for food, such as dogs, ferrets, though tame and saleable, and other creatures kept for whim and pleasure, stealing these does not amount to larceny, at common law. But the statutes have made it felony, or otherwise punishable to steal or kill, &c. deer which are private property; and special punishments have been enacted for taking or killing hares or conies in any warren, &c.; for stealing any beast or bird ordinarily kept in a state of confinement not being the subject of larceny at common law; knowingly being in possession thereof, or of the skin or plumage thereof; for killing wounding or taking any dove-house pigeon, under such circumstances as do not amount to larceny at common law; and for stealing dogs. To take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling house of any person being the owner of such water, and having a right of fishery therein, is a misdemeanor; and to take and destroy fish in any other water being private property, or in which there shall be any private right of fishery; and to take and destroy fish by angling in the day-time, in either description of water; is punishable upon summary conviction by fine varying according to the nature of the offence.—*Roscoe and Archbold page* 859.